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ANNALS

OF

THE CONGRESS OF THE UNITED STATES.

NINTH CONGRESS—SECOND SESSION.

THE

DEBATES AND PROCEEDINGS

IN THE

CONGRESS OF THE UNITED STATES;

WITH

AN APPENDIX,

CONTAINING

IMPORTANT STATE PAPERS AND PUBLIC DOCUMENTS,

AND ALL

THE LAWS OF A PUBLIC NATURE;

WITH A COPIOUS INDEX.

NINTH CONGRESS—SECOND SESSION.

COMPRISING THE PERIOD FROM DECEMBER 1, 1806, TO MARCH 3, 1807,
INCLUSIVE.

COMPILED FROM AUTHENTIC MATERIALS.

WASHINGTON:
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1852.

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PROCEEDINGS AND DEBATES

OF

THE SENATE OF THE UNITED STATES,

AT THE SECOND SESSION OF THE NINTH CONGRESS, BEGUN AT THE CITY OF WASHINGTON, MONDAY, DECEMBER 1, 1806.

MONDAY, December 1, 1806.

The second session of the Ninth Congress, conformably to the Constitution of the United States, commenced this day, at the City of Washington, and the Senate assembled, in their Chamber.

PRESENT:

GEORGE CLINTON, Vice President of the United States, and President of the Senate.

WILLIAM PLUMER and NICHOLAS GILMAN, from New Hampshire.

John QUINCY ADAMS and TIMOTHY PICKERING, from Massachusetts.

URIAH TRACY, from Connecticut.

BENJAMIN HOWLAND, from Rhode Island.

STEPHEN R. BRADLEY and ISRAEL SMITH, from Vermont.

SAMUEL L. MITCHILL, from New York.

JOHN CONDIT and AARON KITCHEL, from New Jersey.

GEORGE LOGAN and SAMUEL MACLAY, from Pennsylvania.

SAMUEL WHITE, from Delaware.

DAVID STONE, from North Carolina.

JOHN GAILLARD, from South Carolina.

ABRAHAM BALDWIN, from Georgia.

THOMAS WORTHINGTON, from Ohio.

WILLIAM B. GILES, appointed a Senator by the Legislature of the Commonwealth of Virginia, for the term of six years, from and after the 4th day of March last, produced his credentials, which were read; and, the oath prescribed by law having been administered to him, he took his seat in the Senate.

A message from the House of Representatives informed the Senate that a quorum of the House is assembled, and are ready to proceed to business.

Ordered, That the Secretary notify the House of Representatives that a quorum of the Senate is assembled, and ready to proceed to business.

A message from the House of Representatives informed the Senate that the House have appointed a joint committee, on their part, with such committee as the Senate may appoint, to wait on the President of the United States, and notify him that a quorum of the two Houses is assembled, and ready to receive any communication that he may be pleased to make to them.

The Senate took into consideration the resolution of the House of Representatives last mentioned, for the appointment of a joint committee, and

Resolved, That they do concur therein; and

Ordered, That Messrs. MITCHILL and STONE be the committee on the part of the Senate.

Mr. MITCHILL reported, from the joint committee, that they had waited on the President of the United States, agreeably to the resolution of this day, and that the President of the United States had informed the committee that he would make a communication to the two Houses to-morrow, at twelve o'clock.

Resolved, That each Senator be supplied, during the present session, with three such newspapers, printed in any of the States, as he may choose; provided that the same be furnished at the usual rate for the annual charge of such papers: and provided, also, that, if any Senator shall choose to take any newspapers, other than daily papers, he shall be supplied with as many such papers as shall not exceed the price of three daily papers.

Resolved, That two Chaplains, of different denominations, be appointed to Congress during the present session, one by each House, who shall interchange weekly.

Ordered, That the Secretary desire the concurrence of the House of Representatives in this resolution.

The PRESIDENT communicated a memorial, signed James Henry, foreman of a grand jury of the Territory of Michigan, against certain provisions of a bill, under consideration during the last session, to amend an act, entitled "An act to divide the Indiana Territory into two separate governments, and for other purposes;" and the memorial was read, and ordered to lie on the table.

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TUESDAY, December 2.

SAMUEL SMITH, from the State of Maryland, and BUCKNER THRUSTON, from the State of Kentucky, attended.

Resolved, That JAMES MATHERS, Sergeant-at-Arms and Doorkeeper to the Senate, be, and he is hereby authorized to employ one assistant and two horses, for the purpose of performing such services as are usually required by the Doorkeeper to the Senate; and that the sum of twenty-eight dollars be allowed him weekly for that purpose, to commence with, and remain during the session, and for twenty days after.

ANNUAL MESSAGE.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of
Representatives of the United States:

It would have given me, fellow-citizens, great satisfaction to announce, in the moment of your meeting, that the difficulties in our foreign relations, existing at the time of your last separation, had been amicably and justly terminated. I lost no time in taking those measures which were most likely to bring them to such a termination, by special missions, charged with such powers and instructions as, in the event of failure, could leave no imputation on either our moderation or forbearance. The delays which have since taken place in our negotiations with the British Government appear to have proceeded from causes which do not forbid the expectation that, during the course of the session, I may be enabled to lay before you their final issue. What will be that of the negotiations for settling our differences with Spain, nothing which had taken place at the date of the last despatches enables us to pronounce. On the western side of the Mississippi she advanced in considerable force, and took post at the settlement of Bayou Pierre, on the Red river. This village was originally settled by France, was held by her as long as she held Louisiana, and was delivered to Spain only as a part of Louisiana. Being small, insulated, and distant, it was not observed, at the moment of re-delivery to France and the United States, that she continued a guard of half a dozen men, which had been stationed there. A proposition, however, having been lately made by our Commander-in-Chief, to assume the Sabine river as a temporary line of separation between the troops of the two nations until the issue of our negotiations shall be known, this has been referred by the Spanish commandant to his superior, and in the mean time he has withdrawn his force to the western side of the Sabine river. The correspondence on this subject, now communicated, will exhibit more particularly the present state of things in that quarter.

The nature of that country requires indispensably that an unusual proportion of the force employed there should be cavalry or mounted infantry. In order, therefore, that the commanding officer might be enabled to act with effect, I had authorized him to call on the Governors of Orleans and Mississippi for a corps of five hundred volunteer cavalry. The temporary arrangement he has proposed may perhaps render this unnecessary. But I inform you, with great pleasure, of the promptitude with which the inhabitants of those Territories have tendered their services in defence of their country. It has done honor to themselves, entitled them to the confidence of their fellow-citizens in every part of the Union, and must strengthen the general determination to protect them efficaciously under all circumstances which may occur.

Having received information that, in another part of the United States, a great number of private individuals were combining together, arming and organizing themselves contrary to law, to carry on a military expedition against the territories of Spain, I thought it necessary, by proclamation, as well as by special orders, to take measures for preventing and suppressing this enterprise, for seizing the vessels, arms, and other means provided for it, and for arresting and bringing to justice its authors and abettors. It was due to that good faith which ought ever to be the rule of action in public as well as in private transactions, it was due to good order and regular government that, while the public force was acting strictly on the defensive, and merely to protect our citizens from aggression, the criminal attempts of private individuals to decide, for their country, the question of peace or war, by commencing active aad unauthorized hostilities, should be promptly and efficaciously suppressed.

Whether it will be necessary to enlarge our regular force will depend on the result of our negotiations with Spain; but, as it is uncertain when that result will be known, the provisional measures requisite for that, and to meet any pressure intervening in that quarter, will be a subject for your early consideration.

The possession of both banks of the Mississippi reducing to a single point the defence of that river, its waters, and the country adjacent, it becomes highly necessary to provide, for that point, a more adequate security. Some position above its mouth, commanding the passage of the river, should be rendered sufficiently strong to cover the armed vessels which may be stationed there for defence; and, in conjunction with them, to present an insuperable obstacle to any force attempting to pass. The approaches to the city of New Orleans, from the eastern quarter also, will require to be examined, and more effectually guarded. For the internal support of the country, the encouragement of a strong settlement on the western side of the Mississippi, within reach of New Orleans, will be worthy the consideration of the Legislature.

The gunboats authorized by an act of the last session are so advanced that they will be ready for service in the ensuing Spring. Circumstances permitted us to allow the time necessary for their more solid construction. As a much larger number will still be wanting to place our seaport towns and waters in that state of defence to which we are competent, and they entitled, a similar appropriation for a further provision for them is recommended for the ensuing year.

A further appropriation will also be necessary for repairing fortifications already established, and the erection of such other works as may have real effect in obstructing the approach of an enemy to our seaport towns, or their remaining before them.

In a country whose Constitution is derived from the will of the people, directly expressed by their free suffrages, where the principal Executive functionaries, and those of the Legislature, are renewed by them at short periods, where, under the character of jurors, they exercise in person the greatest portion of the Judiciary powers, where the laws are consequently so formed and administered as to bear with equal weight and favor on all, restraining no man in the pursuits of honest industry, and securing to every one the property which that acquires, it would not be supposed that any safeguards could be needed against insurrection, or en-

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terprise, on the public peace or authority. The laws, however, aware that these should not be trusted to moral restraints only, have wisely provided punishment for these crimes when committed. But would it not be salutary to give also the means of preventing their commission? Where an enterprise is meditated by private individuals against a foreign nation in amity with the United States, powers of prevention, to a certain extent, are given by the laws; would they not be as reasonable and useful where the enterprise preparing is against the United States? While adverting to this branch of law it is proper to observe, that, in enterprises meditated against foreign nations, the ordinary process of binding to the observance of the peace and good behaviour, could it be extended to acts to be done out of the jurisdiction of the United States, would be effectual in some cases where the offender is able to keep out of sight every indication of his purpose which could draw on him the exercise of the powers now given by law.

The States on the coast of Barbary seem generally disposed at present to respect our peace and friendship: with Tunis alone some uncertainty remains. Persuaded that it is our intention to maintain our peace with them on equal terms, or not at all, I propose to send, in due time, a reinforcement into the Mediterranean, unless previous information shall show it to be unnecessary.

We continue to receive proofs of the growing attachment of our Indian neighbors, and of their disposition to place all their interests under the patronage of the United States. These dispositions are inspired by their confidence in our justice, and in the sincere concern we feel for their welfare. And as long as we discharge these high and honorable functions with the integrity and good faith which alone can entitle us to their continuance, we may expect to reap the just reward in their peace and friendship.

The expedition of Messrs. Lewis and Clarke, for exploring the river Missouri, and the best communication from that to the Pacific ocean, has had all the success which could have been expected. They have traced the Missouri nearly to its source, descended the Columbia to the Pacific ocean, ascertained with accuracy the geography of that interesting communication across our continent, learnt the character of the country, of its commerce, and inhabitants; and it is but justice to say, that Messrs. Lewis and Clarke, and their brave companions, have, by this arduous service, deserved well of their country.

The attempt to explore the Red river, under the direction of Mr. Freeman, though conducted with a zeal and prudence meeting entire approbation, has not been equally successful. After proceeding up it about six hundred miles, nearly as far as the French settlements had extended, while the country was in their possession, our geographers were obliged to return without completing their work.

Very useful additions have also been made to our knowledge of the Mississippi, by Lieutenant Pike, who had ascended it to its source, and whose journal and map, giving the details of his journey, will shortly be ready for communication to both Houses of Congress. Those of Messrs. Lewis, Clarke, and Freeman, will require further time to be digested and prepared. These important surveys, in addition to those before possessed, furnish materials for commencing an accurate map of the Mississippi and its western waters. Some principal rivers, however, remain still to be explored, towards which the authorization of Congress, by moderate appropriations, will be requisite.

I congratulate you, fellow-citizens, on the approach of the period at which you may interpose your authority, Constitutionally, to withdraw the citizens of the United States from all further participation in those violations of human rights which have been so long continued on the unoffending inhabitants of Africa, and which the morality, the reputation, and the best interests of our country, have long been eager to proscribe. Although no law you may pass can take prohibitory effect till the day of the year one thousand eight hundred and eight, yet the intervening period is not too long to prevent, by timely notice, expeditions which cannot be completed before that day.

The receipts at the Treasury, during the year ending on the 30th day of September last, have amounted to nearly fifteen millions of dollars, which have enabled us, after meeting the current demands, to pay two millions seven hundred thousand dollars of the American claims, in part of the price of Louisiana; to pay of the funded debt, upwards of three millions of principal, and nearly four of interest; and, in addition, to reimburse, in the course of the present month, nearly two millions of five and a half per cent. stock. These payments and reimbursements of the funded debt, with those which had been made in the four years and a half preceding, will, at the present year, have extinguished upwards of twenty-three millions of principal.

The duties composing the Mediterranean fund will cease, by law, at the end of the present session. Considering, however, that they are levied chiefly on luxuries, and that we have an impost on salt, a necessary of life, the free use of which otherwise is so important, I recommend to your consideration the suppression of the duties on salt, and the continuation of the Mediterranean fund instead thereof, for a short time, after which that also will become unnecessary for any purpose now within contemplation.

When both of these branches of revenue shall in this way be relinquished, there will still, ere long, be an accumulation of moneys in the Treasury beyond the instalments of public debt which we are permitted by contract to pay. They cannot, then, without a modification, assented to by the public creditors, be applied to the extinguishment of this debt, and the complete liberation of our revenues, the most desirable of all objects; nor, if our peace continues, will they be wanting for any other existing purpose. The question, therefore now comes forward: To what other objects shall these surplusses be appropriated, and the whole surplus of impost, after the entire discharge of the public debt, and during those intervals when the purposes of war shall not call for them? Shall we suppress the impost, and give that advantage to foreign over domestic manufactures? On a few articles, of more general and necessary use, the suppression, in due season, will doubtless be right, but the great mass of the articles on which impost is paid are foreign luxuries, purchased by those only who are rich enough to afford themselves the use of them. Their patriotism would certainly prefer its continuance and application to the great purposes of the public education, roads, rivers, canals, and such other objects of public improvement as it may be thought proper to add to the Constitutional enumeration of federal powers. By these operations new channels of communication will be opened between the States; the lines of separation will disappear; their interests will be identified and their Union cemented by new and indissoluble ties. Education is here placed among the articles of public care, not that it would be proposed to take its ordinary branches out of the hands of private enterprise, which manages so much better all the concerns to which it is equal; but a public institution can alone supply those sciences which, though rarely called for, are yet necessary to complete the circle, all the parts of which contribute to the improvement of the country, and some of them to its preservation. The subject is now proposed for the consideration of Congress, because, if approved by the time the State Legislatures shall have deliberated on this extension of the federal trusts, and the laws shall be passed and other arrangements made for their execution, the necessary funds will be on hand, and without employment. I suppose an amendment to the Constitution, by consent of the States, necessary, because the objects now recommended are not among those enumerated in the Constitution, and to which it permits the public moneys to be applied.

The present consideration of a national establishment, for education particularly, is rendered proper by this circumstance; also that, if Congress, approving the proposition, shall yet think it more eligible to found it on a donation of lands, they have it now in their power to endow it with those which will be among the earliest to produce the necessary income. This foundation would have the advantage of being independent on war, which may suspend other improvements, by requiring for its own purposes the resources destined for them.

This, fellow-citizens, is the state of the public interests at the present moment, and according to the information now possessed. But such is the situation of the nations of Europe, and such, too, the predicament in which we stand with some of them, that we cannot rely with certainty on the present aspect of our affairs, that may change from moment to moment during the course of your session, or after you shall have separated. Our duty is therefore to act upon things as they are, and to make a reasonable provision for whatever they may be. Were armies to be raised whenever a speck of war is visible in our horizon, we never should have been without them. Our resources would have been exhausted on dangers which have never happened, instead of being reserved for what is really to take place. A steady, perhaps a quickened, pace in preparations for the defence of our seaport towns and waters, an early settlement of the most exposed and vulnerable parts of our country, a militia so organized, that its effective portions can be called to any point in the Union, or volunteers instead of them, to serve a sufficient time, are means which may always be ready, yet never preying on our resources until actually called into use. They will maintain the public interests while a more permanent force shall be in course of preparation. But much will depend on the promptitude with which these means can be brought into activity. If war be forced upon us, in spite of our long and vain appeal to the justice of nations, rapid and vigorous movements in its outset will go far towards securing us in its course and issue, and towards throwing its burdens on those who render necessary the resort from reason to force.

The result of our negotiations, or such incidents in their course as may enable us to infer their probable issue; such further movements, also, on our western frontiers as may show whether war is to be pressed there while negotiation is protracted elsewhere, shall be communicated to you from time to time, as they become known to me; with whatever other information I possess, or may receive, which may aid your deliberations on the great national interests committed to your charge.

TH. JEFFERSON.

DECEMBER 2, 1806.

The Message and documents therein referred to were read, and ordered to lie for consideration, and three hundred copies thereof printed for the use of the Senate.

WEDNESDAY, December 3.

DANIEL SMITH, from the State of Tennessee, attended.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of
Representatives of the United States:

I have the satisfaction to inform you that the negotiation between the United States and the Government of Great Britain is proceeding in a spirit of friendship and accommodation, which promises a result of mutual advantage. Delays indeed have taken place, occasioned by the long illness and subsequent death of the British Minister charged with that duty. But the Commissioners appointed by that Government to resume the negotiation have shown every disposition to hasten its progress. It is, however, a work of time, as many arrangements are necessary to place our future harmony on stable grounds. In the mean time, we find, by the communications of our Plenipotentiaries, that a temporary suspension of the act of the last session prohibiting certain importations, would, as a mark of candid disposition on our part, and of confidence in the temper and views with which they have been met, have a happy effect on its course. A step so friendly will afford further evidence that all our proceedings have flowed from views of justice and conciliation, and that we give them willingly that form which may best meet corresponding dispositions.

Add to this that the same motives which produced the postponement of the act till the fifteenth of November last, are in favor of its further suspension; and, as we have reason to hope that it may soon yield to arrangements of mutual consent and convenience, justice seems to require that the same measure may be dealt out to the few cases which may fall within its short course, as to all others preceding and following it. I cannot, therefore, but recommend the suspension of this act for a reasonable time, on considerations of justice, amity, and the public interests.

TH. JEFFERSON.

DECEMBER 3, 1806.

The Message was read, and ordered to lie for consideration.

A message from the House of Representatives informed the Senate, that the House concur in the resolution, sent from the Senate, for the appointment of Chaplains to Congress during the present session.

The Senate proceeded to the election of a Chaplain, on their part, in pursuance of the resolution of the two Houses; and the whole number of votes collected was 18; of which the Rev. Mr. SAYRS had twelve, and was accordingly elected.

Mr. BRADLEY gave notice that he would, on Monday next, ask leave to bring in a bill to prohibit the importation of slaves into any port or

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place within the jurisdiction of the United States, from and after the first day of January, one thousand eight hundred and eight.

THURSDAY, December 4.

JAMES HILLHOUSE, from the State of Connecticut attended.

The following motion was made by Mr. MITCHILL, read, and ordered to lie for consideration:

Resolved, That so much of the President's Message, of 2d December, as relates to the fortification and defence of our seaport towns, harbors, and waters, be referred to a select committee, with leave to report by bill or otherwise.

Mr. MITCHILL also submitted the following motion, which was read and ordered to lie for consideration:

Resolved, That so much of the President's Message as relates to binding to the observance of the peace, and good behaviour, persons meditating enterprises against foreign nations in amity with the United States, be referred to a select committee, with leave to report by bill or otherwise.

A motion was made by Mr. TRACY, as follows:

Resolved, That the President of the United States be, and he is hereby, requested to cause to be laid before the Senate such information, documents, papers, and correspondence, as may be in his power, and which he may think proper to communicate, respecting the subject of his Message of the third of December instant, in which a suspension of the non-importation act is recommended.

The motion was read, and ordered to lie for consideration.

Ordered, That Messrs. ADAMS, GILMAN, and SMITH, of Vermont, be a committee agreeably to the twenty-second rule for conducting business in the Senate.

FRIDAY, December 5.

JAMES TURNER, from the State of North Carolina attended.

The Senate took into consideration the motion made yesterday: "That so much of the Message of the President of the United States, of December the 2d, as relates to the fortification and defence of our seaport towns, harbors, and waters, be referred to a select committee;" and the motion was agreed to; and Messrs. MITCHILL, SMITH, of Maryland, GILES, BALDWIN, and GILMAN, were appointed the committee.

The motion made yesterday, "That so much of the Message of the President of the United States as relates to binding to the peace, and to good behaviour, persons meditating enterprises against foreign nations in amity with the United States, be referred to a select committee, with leave to report by bill or otherwise," was considered, and postponed.

The motion made yesterday, requesting the President of the United States to lay before the Senate such information as may be in his power, and which he may think proper to communicate, respecting the suspension of the non-importation act, was considered, and postponed.

Mr. WORTHINGTON submitted the following motion, which was read, and ordered to lie for consideration:

Resolved, That a committee be appointed to examine if any, and, if any, what alterations or amendments are necessary in the laws of the United States for the sale of the public lands; and that they have leave to report by bill or otherwise.

A message from the House of Representatives informed the Senate that the House have appointed the Rev. Mr. ELLIOTT a Chaplain to Congress, on their part, during the present session.

MONDAY, December 8.

The PRESIDENT laid before the Senate the report of the Secretary for the Department of the Treasury, in obedience to the act, entitled "An act to establish the Treasury Department;" and the report was read, and ordered to lie for consideration, and the usual number be printed for the use of the Senate.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to suspend the operation of an act, entitled 'An act to prohibit the importation of certain goods, wares, and merchandise,' and to remit the penalties incurred under the same;" in which bill they desire the concurrence of the Senate.

The bill was read, and ordered to the second reading.

The Senate resumed the consideration of the motion made on the fourth instant, to refer that part of the Message of the President of the United States to a select committee, which relates to binding to the observance of the peace, persons meditating enterprises against foreign nations, and having amended the motion, it was adopted, as follows:

Resolved, That so much of the Message of the President of the United States as relates to the laws respecting insurrections and violations of the public peace, or the authority, as well as the laws respecting the conspiracy or enterprise of private individuals against foreign nations in amity with the United States, be referred to a select committee, with leave to report by bill or otherwise.

Ordered, That Messrs. GILES, MITCHILL, TRACY, STONE, and ADAMS, be the committee.

The motion made on the fourth instant, for further information on that part of the Message of the President of the United States, of the third of December, relative to the suspension of the non-importation act, was resumed; and it was agreed to amend the motion, as follows:

Resolved, That the President of the United States be, and he is hereby, requested to cause to be laid before the Senate such information, documents, papers, and correspondence, as may be in his power, and which he may think, under all circumstances, proper to communicate, respecting the subject of his Message of the third of December instant, in which a temporary suspension of the act of the last session prohibiting certain importations, is recommended.

And on the question to adopt this resolution, it passed in the negative—yeas 5, nays 18, as follows:

Yeas—Messrs. Bradley, Hillhouse, Pickering, Tracy, and White.

Nays—Messrs. Adams, Baldwin, Condit, Gaillard, Giles, Gilman, Howland, Kitchel, Logan, Maclay, Mitchill, Plumer, Smith of Tennessee, Smith of Vermont, Stone, Thruston, Turner, and Worthington.

The Senate resumed the motion made on the 5th instant, that a committee be appointed to examine if any, and what, alterations or amendments are necessary in the laws of the United States for the sale of the public lands; and that they have leave to report by bill or otherwise; and the motion was agreed to; and Messrs. Worthington, Tracy, and Baldwin, were appointed the committee.

Agreeably to notice given on the 3d instant, Mr. Bradley asked and obtained leave to bring in a bill to prohibit the importation of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, 1808; and the bill was read, and ordered to the second reading.

Tuesday, December 9.

Andrew Moore, from the State of Virginia, attended.

The bill, entitled "An act to suspend the operation of an act, entitled 'An act to prohibit the importation of certain goods, wares, and merchandise,' and to remit the penalties incurred under the same," was read the second time, and referred to Messrs. Giles, Baldwin, and Mitchill, to consider and report thereon.

The bill to prohibit the importation of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, 1808, was read the second time, and referred to Messrs. Bradley, Stone, Giles, Gaillard, and Baldwin, to consider and report thereon.

Mr. Giles, from the committee to whom was referred the bill, entitled "An act to suspend the operation of an act, entitled 'An act to prohibit the importation of certain goods, wares, and merchandise,' and to remit the penalties incurred under the same," reported the bill without amendment.

Ordered, That this bill pass to a third reading.

Wednesday, December 10.

Ordered, That Mr. Turner be the Committee for Enrolled Bills, on the part of the Senate.

The bill, entitled "An act to suspend the operation of an act, entitled 'An act to prohibit the importation of certain goods, wares, and merchandise,' and to remit the penalties incurred under the same," was read the third time.

On motion, by Mr. Mitchill, to amend the bill, by adding a third section thereto, empowering the President of the United States further to suspend the operation of the act to the twenty-first December next, if circumstances should render it expedient, it was agreed to refer the proposed amendment, together with the bill, to a select committee; and Messrs. Giles, Mitchill, and Baldwin, were appointed the committee.

Mr. White presented the memorial of John Hays, and others, citizens of the State of Delaware, representing that the variety of weights and measures, at present in use in the United States, is productive of much uncertainty and difficulty, and praying that Congress would take effective measures for the establishment of a uniform and more beneficial system; and the memorial was read, and referred to Messrs. White, Adams, Baldwin, Logan, and Mitchill, to consider and report thereon.

Thursday, December 11.

John Milledge, appointed a Senator by the Legislature of the State of Georgia, in the place of James Jackson, deceased, took his seat, and his credentials were read, and the President administered the oath to him as the law prescribes.

Mr. Giles, from the committee to whom was yesterday referred the bill, entitled "An act to suspend the operation of an act, entitled 'An act to prohibit the importation of certain goods, wares, and merchandise,' and to remit the penalties incurred under the same," together with a proposed amendment, reported sundry amendments, which were read, and ordered to lie for consideration.

Friday, December 12.

The Senate took into consideration the bill, entitled "An act to suspend the operation of an act, entitled 'An act to prohibit the importation of certain goods, wares, and merchandise,' and to remit the penalties incurred under the same."

When the following amendments were agreed to without a division, viz. strike out at the end of the 2d sec. the following words: "This act shall take effect from and after the passing thereof."

Add to the end of the bill the following section:

And be it further enacted, That the President of the United States be, and he hereby, authorized further to suspend the operation of the aforesaid act, if in his judgment the public service should require it: *Provided*, That such suspension shall not extend beyond the second Monday in December next.

The bill, so amended, was read a third time, and passed, without a division.

Monday, December 15.

John Smith, from the State of New York, attended.

The following Message was received from the President of the United States:

To the Senate of the United States:

I lay before Congress a report of the Surveyor of the Public Buildings, stating the progress made on them during the last season, and what is proposed for the ensuing one.

TH. JEFFERSON.

December 15, 1806.

The Message and report therein mentioned were read, and ordered to lie for consideration.

Mr. **LOGAN** presented the petition of William Levis and Hugh Maxwell, stating, that they have on hand a number of the Journals of Congress, under the Confederation, of Folwell's edition, which they will dispose of for the use of Congress, at the price heretofore stipulated by Government; and the petition was read, and referred to Messrs. **LOGAN**, **BRADLEY**, and **BALDWIN**, to consider and report thereon.

DEFENCE OF PORTS AND HARBORS.

Mr. **MITCHILL** from the committee appointed on the 5th instant to take into consideration that part of the Message of the President of the United States of December 2d, 1806 which relates to the protection of the seaports, harbors, and waters of the United States, made a report, as follows:

It appears from the communication of the Secretary at War, made to Congress on the 13th February, 1806, that several of the public works erected in different parts of the nation, for the purposes of defence, stand in need of finishing or repairs. The condition of the fortifications of Fort Sumner, in Maine, Fort Constitution, in New Hampshire, Fort Independence, in Massachusetts, Forts Adams and Wolcot in Rhode Island, Fort Trumbull, in Connecticut, Fort Jay, in New York, Fort Mifflin in Pennsylvania, Fort McHenry, in Maryland, Fort Nelson, in Virginia, Fort Johnson, in North Carolina, Forts Moultrie, Pinckney, and Johnson, in South Carolina, Fort Green, in Georgia, and of Forts St. Louis, St. Charles, and St. Philip, in Orleans, and of the various other forts and military stations, is well known to the War Department, and only requires appropriations of money from year to year, to enable the needful additions to be made.

It is therefore deemed unnecessary to enter into a detailed enumeration of their respective wants. But the committee cannot forbear to make mention of New York, Charleston, and New Orleans.

They are fully sensible of the great and growing importance of New York; its exposed situation is a subject of public and general concern. It is agreed that the national power ought to be employed in its protection. The attention of the Executive was therefore turned to that object during the summer and autumn of 1805; and upwards of $25,000 were expended in repairing and enlarging in the most substantial manner the works on Governor's Island. These are progressing with all convenient speed; and though at this moment suspended on account of the rigor of the season, the committee has had the satisfaction to learn that the labor will be resumed with the cessation of the cold, and be steadily continued until both the city and harbor shall be put into a respectable state of defence. By the fortifications which it is intended to construct upon the different favorable positions which the land affords both above and below Governor's Island, skilful engineers conceive that so much will be done as to repel every ordinary assault of ships, and of all other force less than an invading army. The intended substitution of permanent structures of solid masonry, instead of wood and sand, will indeed require more time for their completion; but an ample compensation for this will be found eventually in their greater strength and durability.

The fortifications at Charleston, South Carolina, having been almost totally ruined by the severe hurricane of 1804, measures have been already adopted to rebuild them in the best manner that the situation of the ground admits.

Preparations are also making for the protection of New Orleans, and the mouth of the Mississippi, and evince a similar attention to the public interests in that quarter.

The committee, however, has not judged it necessary to particularize the specific sums which it may be needful to apply to each of these important objects. There would be considerable difficulty in this, for want of circumstantial and minute information. They therefore believe it will be sufficient to recommend an ample appropriation in gross, for the repair of existing fortifications, and the erection of such new ones as may be required; and to leave the expenditure of the same, where the general safety or local welfare shall demand it, to the ample information and sound discretion of the Executive.

Under these considerations the committee ask leave to report a bill, making further appropriations for fortifying the ports and harbors of the United States, and for building gunboats.

The bill was read and ordered to a second reading.

TUESDAY, December 16.

A message from the House of Representatives informed the Senate that the House agree to the amendments of the Senate to the bill, entitled "An act to suspend the operation of an act, entitled 'An act to prohibit the importation of certain goods, wares, and merchandise,' and to remit the penalties incurred under the same," with amendments; in which they desire the concurrence of the Senate.

The Senate took into consideration the amendments of the House of Representatives to their amendments to the bill last mentioned; and concurred therein.

The bill making further appropriations for fortifying the ports and harbors of the United States, and for building gunboats, was read the second time, and referred to Messrs. **MITCHILL**, **GILES**, and **BALDWIN**, to consider and report thereon.

A motion was made, by Mr. **BRADLEY**, that it be

Resolved, That a committee be appointed to inquire whether any, and, if any, what further proceeding is necessary to carry into effect the provisions of an act, entitled "An act to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same," and to report thereon; and the motion was read, and ordered to lie for consideration.

WEDNESDAY, December 17.

On motion, by Mr. **TRACY**, it was

Resolved, That a committee of three members of the Senate be appointed, who, with three members of the House of Representatives, to be appointed by the said House, are to have the direction of the money appropriated to purchase books for the use of Congress, pursuant to the act making a further appropriation for the support of a library, passed on the 21st of February, 1806; and that the Secretary of the Senate notify the House of Representatives of the passage of this resolution; and, Messrs. ADAMS, BALDWIN, and MITCHILL, were appointed the committee on the part of the Senate.

The Senate took into consideration the motion made yesterday, "That a committee be appointed to inquire what further proceeding is necessary to carry into effect the provisions of an act, entitled "An act to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same;" and having agreed thereto, Messrs. BRADLEY, TRACY, and GILES, were appointed the committee to consider and report thereon.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act authorizing the erection of a bridge over the river Potomac, within the District of Columbia," in which they desire the concurrence of the Senate.

The bill was read, and ordered to the second reading.

THURSDAY, December 18.

The bill sent from the House of Representatives, entitled "An act authorizing the erection of a bridge over the river Potomac, within the District of Columbia," was read the second time, and referred to Messrs. SMITH of Vermont, WHITE, and GAILLARD, to consider and report thereon.

FRIDAY, December 19.

The credentials of STEPHEN R. BRADLEY, appointed a Senator by the Legislature of the State of Vermont, for the term of six years, from and after the third day of March next, were presented and read; also, the credentials of JOHN MILLEDGE, appointed a Senator by the Legislature of the State of Georgia, for the term of six years, from and after the third day of March next.

Ordered, That they lie on file.

On motion, it was

Ordered, That Mr. TURNER be of the committee to whom was referred, on the 9th instant, the bill to prohibit the importation of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, 1808, in place of Mr. STONE, who is absent.

On motion of Mr. TRACY, it was

Resolved, That a committee be appointed to inquire into the circumstances of the coinage at the Mint of the United States, with leave to report by bill or otherwise, respecting the same; and

Ordered, That Messrs. TRACY, GILES, and MITCHILL, be the committee.

MONDAY, December 22.

The Senate spent the day in the consideration of Executive business.

TUESDAY, December 23.

The PRESIDENT laid before the Senate a report of the Secretary for the Department of Treasury, in conformity with the several acts making provision for the disposal of the public lands in the Indiana Territory, made by the Commissioners appointed to examine the claims to land in the district of Vincennes; which was read, and the report and certain papers accompanying it were referred to Messrs. WORTHINGTON, GILES, and BALDWIN, to consider and report thereon.

WEDNESDAY, December 24.

Mr. BRADLEY presented the petition of Seth Harding, commander of a ship in the service of the United States during the Revolutionary war, in which service he received extreme bodily injury, as is stated at large in his petition, and praying such pecuniary relief as may to Congress seem reasonable for a person debilitated by public service; and the petition was read, and referred to Messrs. BRADLEY, SMITH of Maryland, and GILES, to consider and report thereon, by bill or otherwise.

On motion of Mr. WORTHINGTON, it was

Resolved, That a committee be appointed to inquire whether the several Territorial governments within the United States have, in pursuance to the ordinance and laws of the United States, returned copies of the laws which such Territories have adopted or enacted to Congress, and if any Territory has not made the proper returns, the committee are directed to inquire into the causes of such omission and make report; and Messrs. WORTHINGTON, BALDWIN, and MOORE, were appointed the committee.

FRIDAY, December 26.

Mr. WHITE, presented the petition of a number of the inhabitants of Alexandria, in favor of a bridge over the river Potomac, on the principles of a bill passed the House of Representatives during the present session, and stating that every effort in their power will be made for a speedy execution of the same, should their prayer be granted. And the petition was read, and referred to the committee appointed the 18th instant, to consider the bill sent from the House of Representatives on the subject.

MONDAY, December 29.

The PRESIDENT communicated a letter from ROBERT WRIGHT, stating that he had resigned his seat in the Senate.

PHILIP REED, appointed a Senator by the Legislature of the State of Maryland, in place of Robert Wright, resigned, produced his credentials and took his seat in the Senate.

HENRY CLAY, appointed a Senator by the Legislature of the State of Kentucky, in place of John Adair, resigned, produced his credentials and took his seat in the Senate.

The credentials of Mr. CLAY and Mr. REED were severally read, and the oath was administered to them as the law prescribes.

Mr. REED also produced the credentials of his appointment to be a Senator of the United States from the State of Maryland, from the third day of March next, until the 4th day of March, 1813, and they were read, and ordered to lie on file.

JAMES FENNER, from the State of Rhode Island, attended.

A message from the House informed the Senate that the House have passed the bill, entitled "An act making appropriations for the support of the Navy of the United States during the year one thousand eight hundred and seven," in which they desire the concurrence of the Senate.

The bill was read, and ordered to the second reading.

Mr. SMITH, of Maryland, submitted the following motion for consideration:

Resolved, That a committee be appointed to inquire whether any, and, if any, what, amendments are necessary to the act for establishing rules and articles for the government of the Armies of the United States.

Mr. WORTHINGTON, from the committee appointed on the subject, reported that, on inquiry, they find some of the laws adopted and enacted by the Territories of the United States have been returned to the office of the Secretary of State, and are assured by that officer that such as have been returned shall be laid before Congress in a few days, and that he has taken measures to obtain such as have not been returned.

Mr. BRADLEY, from the committee appointed on the subject, reported a bill for the relief of Seth Harding, late a Captain in the Navy of the United States; which was read, and ordered to the second reading.

TUESDAY, December 30.

Mr. WORTHINGTON presented the petition of a number of the inhabitants of the county of Columbia, in the State of Ohio, praying for a reduction of the price of the reserved sections, Nos. 15, 21, and 22, in the original surveyed townships in the said county, for reasons stated in the petition; which was read, and referred to the committee appointed on the eighth instant, to examine what alterations are necessary in the laws for the sale of the public lands, to consider and report thereon.

The bill, entitled "An act making appropriations for the support of the Navy of the United States during the year one thousand eight hundred and seven," was read the second time, and referred to Messrs. MITCHILL, SMITH of Maryland, and CLAY, to consider and report thereon.

Mr. SMITH of Vermont, from the committee to whom was referred the bill, entitled "An act authorizing the erection of a bridge over the river Potomac, within the District of Columbia," reported it without amendment. He also presented a petition, signed John Mason and others, citizens of Georgetown, stating the reasons why the bill should not pass; and the petition was read, and the consideration of the bill, as in Committee of the Whole, made the order of the day for Monday next.

The motion made yesterday to inquire what amendments, if any, are necessary to the act for establishing rules and articles for the government of the Armies of the United States, was resumed and adopted; and Messrs. SMITH of Maryland, ADAMS, and BRADLEY, were appointed the committee to consider and report thereon.

The bill for the relief of Seth Harding, late a Captain in the Navy of the United States, was read the second time, and the further consideration thereof postponed until to-morrow.

WEDNESDAY, December 31.

THOMAS SUMTER, from the State of South Carolina, attended.

Mr. MITCHILL, from the committee to whom was referred the bill, entitled "An act making appropriations for the support of the Navy of the United States during the year one thousand eight hundred and seven," reported it without amendment.

On motion, it was agreed, by unanimous consent, that this bill be now read the third time.

The Senate resumed, as in Committee of the Whole, the second reading of the bill for the relief of Seth Harding, late a Captain in the Navy of the United States, and the bill having been amended, was reported to the House, and agreed to.

Ordered, That this bill pass to the third reading as amended.

A message from the House informed the Senate that the House have passed a bill, entitled "An act making appropriations for the support of the Military Establishment of the United States, for the year one thousand eight hundred and seven," in which they desire the concurrence of the Senate.

The bill was read, and it was agreed, by unanimous consent, to dispense with the rule, and that this bill be now read the second time.

Ordered, That it be referred to Messrs. SMITH of Maryland, BRADLEY, and MITCHILL, to consider and report thereon.

The Senate adjourned to Friday.

FRIDAY, January 2, 1807.

The PRESIDENT communicated a report of the Secretary for the Department of Treasury, in conformity with the several acts making provision for the disposal of the public lands in the Territories of Indiana and Michigan, enclosing the transcript of decisions made by the Commissioners in favor of claimants to land in the district of Detroit.

And the report and papers were read, and ordered to lie on the table.

The bill for the relief of Seth Harding, late a Captain in the Navy of the United States, was read the third time, and the further consideration of the bill postponed.

On motion of Mr. SMITH of Tennessee,

Resolved, That a committee be appointed to inquire whether any, and, if any, what provisions ought to be made by law to prevent unauthorized entries or settlements of lands ceded to the United States, by foreign nations, by any particular State, or Indian tribe, who shall report by bill or otherwise.

Ordered, That Messrs. SMITH of Tennessee, GILES, and BRADLEY, be the committee.

A motion was made by Mr. BRADLEY, that it be

Resolved, That the Commissioners of the Navy Pension Fund be directed to lay before the Senate a minute statement of their proceedings relative to the management of the said funds, during the last year.

Ordered, That the motion lie for consideration.

A motion was made by Mr. CLAY, that it be

Resolved, That a committee be appointed to prepare and bring in a bill to extend to the districts of Kentucky, Tennessee, and Ohio, the circuit courts of the United States.

Ordered, That the motion lie for consideration.

MONDAY, January 5.

The PRESIDENT communicated a report from the Treasurer of the United States, of the general account of his office, from October 1st, 1805, to October 1st, 1806; as, also, the accounts of the War and Navy Departments, for the same period; and the report was read, and ordered to lie on the table.

On motion, by Mr. WORTHINGTON, it was

Resolved, That the report of the Secretary for the Department of Treasury, of the 2d instant, made in conformity with the several acts making provision for the disposal of the public lands in the Territories of Indiana and Michigan; enclosing the transcript of decisions made by the Commissioners in favor of claimants to land in the district of Detroit, be referred to a special committee.

Ordered, That Messrs. WORTHINGTON, MACLAY, and BRADLEY, be the committee, to consider and report thereon.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of
Representatives of the United States:

I transmit to each House of Congress a copy of the laws of the Territory of Michigan, passed by the Governor and Judges of the Territory during the year 1805.

TH. JEFFERSON.

JANUARY 5, 1807.

The Message was read, and, together with the laws therein mentioned, referred to Messrs. BRADLEY, GILES, and CONDIT, to consider and report thereon.

Mr. S. SMITH submitted the following resolution:

Resolved, That a committee be appointed to inquire whether any, and, if any, what, additional force is necessary to the Military Establishment of the United States.

He observed that he was one of those who, in 1802, were of opinion that the present Military Establishment was sufficient for the then existing state of the nation. At that time we were at peace with the Indians; of course few men were necessary for the Western frontier, and at every point of the Atlantic shores we were prepared for resistance by the strength of our militia; that the late acquirement of territory gave us an exposed frontier, which could not be succored speedily by the militia of the Union; he therefore conceived an addition to the Army as indispensably necessary.

Ordered, That Messrs. SMITH of Maryland, GILES, and BRADLEY, be the committee, and to report thereon.

The motion made on the 2d instant, that a committee be appointed to prepare and bring in a bill to extend to the districts of Kentucky, Tennessee, and Ohio, the circuit courts of the United States, was resumed and agreed to; and,

Ordered, That Messrs. CLAY, BALDWIN, GILES, ADAMS, and BRADLEY, be the committee.

The Senate resumed, as in Committee of the Whole, the second reading of the bill, entitled "An act authorizing the erection of a bridge over the river Potomac, within the District of Columbia," and the further consideration thereof was postponed until Monday next.

Ordered, That Messrs. WHITE, SMITH of Vermont, and GAILLARD, be a committee to examine the papers laid before the Senate on the subject of the last mentioned bill, and direct such as they may think proper to be printed.

Mr. SMITH, of Maryland, from the committee to whom was referred the bill, entitled "An act making appropriations for the support of the Military Establishment of the United States for the year one thousand eight hundred and seven," reported it without amendment.

Ordered, That this bill pass to a third reading.

TUESDAY, January 6.

Mr. CLAY presented the petition of Laurient Bazadon, stating that he obtained a judgment against George R. Clark, in the General Court of the Northwestern Territory for a very considerable sum, to wit: about twelve thousand dollars; that some time after the said judgment was obtained, and before execution issued thereon, Congress passed an act to divide the said Territory; he therefore prays such legislative provision may be made, as that executions may issue on judgments obtained before the division of the said Territory, in the same manner as if a division had never taken place; and the petition was read, and referred to Messrs. CLAY, BRADLEY, and GILES, to consider and report thereon.

The bill, entitled "An act making appropriations for the support of the Military Establishment of the United States, for the year one thousand eight hundred and seven," was read the third time, and passed.

WEDNESDAY, January 7.

The PRESIDENT communicated the report of the Postmaster General, made in obedience to the act of the 21st of April last; and the report was read, and referred to Messrs. TRACY, BALDWIN, and CONDIT to consider and report thereon.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act authorizing the discharge of William Hearn from his imprisonment;" and a bill, entitled "An act for the relief of George Little;" in which bills they desire the concurrence of the Senate.

The bills were read, and ordered to the second reading.

Mr. TRACY, from the committee to whom the subject was referred, on the 19th of December last, reported a bill in addition to the act for establishing a Mint, and regulating the coins of the United States; which was read, and ordered to the second reading.

THURSDAY, January 8.

The bill, entitled "An act for the relief of George Little," was read the second time, and referred to Messrs. MACLAY, ADAMS, and TRACY, to consider and report thereon.

The bill, entitled "An act authorizing the discharge of William Hearn from his imprisonment," was read the second time, and referred to Messrs. TRACY, GILES, and MOORE, to consider and report thereon.

The bill in addition to the act for establishing a Mint, and regulating the coins of the United States, was read the second time, and the further consideration thereof postponed until to-morrow.

Ordered, That the petition of John Chester, together with the report of the Secretary of the Treasury of the 25th of March last, thereon, be referred to Messrs. HILLHOUSE, BRADLEY, and SMITH, of New York, to consider and report thereon.

FRIDAY, January 9.

The Senate resumed, as in Committee of the Whole, the bill in addition to the act for establishing a Mint and regulating the coins of the United States, and after having agreed to sundry amendments, the bill, as amended, was reported to the House.

Ordered, That it pass to the third reading as amended.

Mr. BRADLEY, from the committee to whom was referred the laws of the Territory of Michigan, adopted by the Governor and Judges of said Territory, from the first day of July, one thousand eight hundred and five, to January 1, one thousand eight hundred and six, communicated by the President of the United States in his Message of the 5th instant, reported "that, having had said laws under consideration, they recommend to the Senate not to disapprove of the same."

MONDAY, January 12.

JAMES A. BAYARD, from the State of Delaware, attended.

Mr. WHITE presented two memorials, signed Robert Brent and others, in favor of the bill before the Senate for the erection of a bridge over the river Potomac, which were read.

Mr. GILES presented a letter signed GIDEON GRANGER, Postmaster General, on the same subject; which was read.

Mr. SMITH, of Maryland, presented a letter, signed Joseph Clarke, on the subject of bridges; which was read.

Mr. BAYARD presented the examination of William Mills, of Boston, on the same subject; which was read.

Ordered, That these several papers be printed for the use of the Senate.

The Senate resumed, as in Committee of the Whole, the second reading of the bill, entitled "An act authorizing the erection of a bridge over the river Potomac, within the District of Columbia;" and the consideration of the bill was further postponed until Monday next.

Mr. WORTHINGTON gave notice that he would, on Thursday next, ask leave to bring in a bill giving the assent of Congress to a proposition contained in the sixth section of the seventh article of the Constitution of the State of Ohio.

Mr. TURNER notified the Senate that he would to-morrow ask leave to bring in a bill to alter the time of holding the circuit court in the district of North Carolina.

The PRESIDENT laid before the Senate the report of the Judges of the District of Columbia, in conformity to the resolution of the Senate, of the 14th of April last, on the subject of a fee bill; and the report was read, and referred to Messrs. ADAMS, BRADLEY, and MITCHILL, to consider and report thereon by bill or otherwise.

The PRESIDENT laid before the Senate an authenticated copy of the proceedings of the members of a committee appointed by a convention of delegates of the citizens of Michigan Territory, convened at Detroit the 27th day of November, 1806, by proclamation of the Governor, and dissolved on the first day of December last, signed Augustus B. Woodward, and others; which was read.

Ordered, That it be referred to the committee appointed on the fifth instant, on the report of the Secretary for the Department of Treasury, on the disposal of lands in the Indiana and Michigan Territories, and claims to lands in the district of Detroit, to consider and report thereon.

Mr. MACLAY, from the committee to whom was referred the bill, entitled "An act for the relief of George Little," reported it without amendment, and the consideration thereof was postponed until to-morrow.

The credentials of JOHN GAILLARD, appointed a Senator of the United States for the State of South Carolina, for the term of six years after the 3d of March next, were read, and ordered to lie on file.

The bill in addition to the act for establishing a mint, and regulating the coins of the United States, was read the third time, and postponed until Monday next.

On motion, by Mr. CLAY, that it be

Resolved, That it is expedient and proper to appropriate a quantity of land, not exceeding —— acres, at a fair cash valuation, towards the opening of the canal proposed to be cut at the rapids of the Ohio, on the Kentucky shore:

Ordered, That this motion lie for consideration.

Mr. Clay, from the committee to whom was referred, on the 6th instant, the petition of Laurient Bazadon, reported that the prayer of the petition ought not to be granted; and the report was adopted.

Tuesday, January 13.

Agreeably to notice given yesterday, Mr. Turner asked and obtained leave to bring in a bill to alter the time of holding the circuit court in the District of North Carolina; and the bill was read, and ordered to the second reading.

The Senate resumed, as in Committee of the Whole, the second reading of the bill, entitled "An act for the relief of George Little," and the bill having been reported to the House without amendment,

Ordered, That it pass to a third reading.

Mr. Smith, of Maryland, from the committee to whom the subject was referred on the 5th instant, asked and obtained leave to report a bill supplementary to an act, entitled "An act fixing the Military Peace Establishment of the United States;" and the bill was read, and ordered to the second reading.

Ordered, That the memorial of the President and Directors of the Chesapeake and Delaware Canal Company, presented on the 28th of January last, together with the documents and report thereon, be referred to Messrs. Bayard, Baldwin, and Mitchill, to consider and report to the Senate.

Wednesday, January 14.

The bill to alter the time for holding the circuit court in the district of North Carolina was read the second time, and referred to Messrs. Turner, Bradley, and Giles, to consider and report thereon.

Mr. Smith, of Maryland, presented a memorial signed John Mason, Benjamin Stoddert, and Walter Smith, stating reasons against the bill for erecting a bridge over the river Potomac, with sundry documents in reference thereto; which were read, and ordered to be printed for the use of the Senate.

The bill supplementary to the act, entitled "An act fixing the Military Peace Establishment of the United States," was read the second time, and, having been amended, was reported to the House accordingly.

Ordered, That this bill pass to the third reading as amended.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act repealing the acts laying duties on salt, and continuing in force for a further time the first section of an act, entitled "An act further to protect the commerce and seamen of the United States against the Barbary Powers;" in which they desire the concurrence of the Senate.

The bill last brought up for concurrence was read, and ordered to the second reading.

The bill, entitled "An act for the relief of George Little," was read the third time, and passed.

Mr. Clay, from the committee to whom the subject was referred on the 5th instant, reported a bill establishing circuit courts, and abridging the jurisdiction of the district courts in the districts of Kentucky, Tennessee, and Ohio; and the bill was read, and ordered to the second reading.

The Senate took into consideration the motion made on the 12th instant, to appropriate a quantity of land, at a fair cash valuation, towards the opening of the canal proposed to be cut at the rapids of the Ohio, on the Kentucky shore; and it was referred to Messrs. Clay, Giles, and Baldwin, to consider and report thereon.

Thursday, January 15.

Mr. Worthington communicated two resolutions of the Legislature of the State of Ohio; the one, requesting their Senators and Representatives in Congress to use their exertions to obtain a grant of land between the Sciota and the Little Miami, in any part of the unappropriated lands of the United States within that State, for the use of schools, within the Virginia military district, in lieu of the donation heretofore granted by Congress for that purpose, for reasons stated in the resolution; the other, requesting them to use their exertions to procure the passage of a law prohibiting the importation of slaves into the United States, or any of the territories thereof, so soon as the Constitution will admit of the same.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act providing for the punishment of certain crimes against the United States," in which they desire the concurrence of the Senate.

The bill last brought up for concurrence was read, and ordered to the second reading.

The President communicated a report of the Secretary for the Department of State, in pursuance of the act of Congress, entitled "An act to regulate and fix the compensation of clerks," and stating, that it is his opinion that the public service would be promoted by a provision at least sufficient for the employment of an additional clerk.

The bill, entitled "An act repealing the acts laying duties on salt, and continuing in force, for a further time, the first section of an act, entitled 'An act further to protect the commerce and seamen of the United States against the Barbary Powers," was read the second time, and referred to Messrs. Giles, Bradley, and Baldwin, to consider and report thereon to the Senate.

The President communicated the report of the Secretary for the Department of War, in compliance with the 5th section of the "Act to regulate and fix the compensation of clerks, and to authorize the laying out certain public roads, and for other purposes;" and stating the names of the clerks employed in the Secretary's and Accountant's office, in the War Department, in the year 1806, and the sum given to each; and that the extension of our relations with the Indians has, within the two years past, made a considerable addition to the business for clerks in the said department; and the two reports last mentioned were read, and ordered to lie for consideration.

Mr. TURNER, from the committee to whom was referred the bill to alter the time of holding the circuit court in the district of North Carolina, reported it without amendment.

Mr. BRADLEY, from the committee to whom was referred the bill to prohibit the importation of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, 1808, reported the same with sundry amendments, which the committee have incorporated with the bill. And it was agreed that the bill should be read as reported, and considered in paragraphs, as in Committee of the Whole; and, after having agreed to sundry amendments in the 1st, 2d, 3d, and 4th sections, the further consideration thereof was postponed.

Mr. ADAMS, from the committee to whom the subject was referred, on the 12th instant, reported a bill to reduce the expenses attending the administration of justice in the District of Columbia; and the bill was read, and ordered to the second reading.

CHESAPEAKE AND DELAWARE CANAL.

Mr. BAYARD, from the committee to whom was referred the memorial of the Chesapeake and Delaware Canal Company, praying the protection and aid of Congress, presented on the 28th of January, 1806, with the documents accompanying the same, and the report of a committee of the Senate thereon, made the following report:

That having examined the said memorial and documents, and considered the report of the committee of the Senate, made at the last session of Congress, and finding the said report to contain a statement of the material facts relative to the subject of the said memorial, and approving of the resolution proposed by the committee, referring to the said report as a part of this report, they recommend the adoption of the resolution offered to the Senate by the former committee.

In Senate of the United States, March 21, 1806.

Mr. LOGAN, from the committee to whom was referred, on the 28th January last, the memorial of the President and Directors of the Chesapeake and Delaware Canal Company, made report:

That it appears that a company has been incorporated and established by concurrent acts of the Legislatures of Pennsylvania, Delaware, and Maryland, for the purpose of cutting a canal across the isthmus, separating the waters of the Delaware and Chesapeake bays. The capital of the company consists of two thousand six hundred shares, and two hundred dollars constitute a share. The sum of consequence contemplated to complete the work, is five hundred and twenty thousand dollars. Of this sum nearly four hundred thousand dollars have been subscribed by individuals, and between five and six hundred shares remain unsubscribed for.

The site of the canal has been fixed, and its embouchures established at Welch Point, on the Elk river, and Mendenhall's ferry, on Christiana Creek. It is intended to furnish a navigation to vessels drawing upwards of seven feet water. The work has been commenced, and a canal to supply the necessary water to the main canal has been opened from the headwaters of the Elk river, nearly to the line of the route of the grand canal. This canal of supply communicates with populous and productive tracts of country in the three States of Pennsylvania, Delaware, and Maryland, and is calculated for barge navigation.

The length of the main canal, as the route has been established, is twenty-one miles, and the expense of cutting it is estimated at twenty-five thousand dollars a mile.

The committee are of opinion that the work designed to be accomplished by the Chesapeake and Delaware Canal Company is one of great interest and importance, not only to the three States, whose laws have incorporated the company, but generally to the United States. By opening the proposed communication between the two bays, the safe inland navigation of twenty-one miles, supplies the place of a circuitous and exposed navigation of five hundred. The large tracts of country in Virginia, Maryland, Pennsylvania, Delaware, and New Jersey, connected with the waters of the bays, will be furnished with a safe water communication, and will immediately feel the great benefit of the work. In the event of a war, the facility, celerity, safety, and cheapness, in the transportation of troops, and ordnance, and military stores, from remote parts of the United States, present an object at once of sufficient magnitude to interest the General Government in the undertaking. The importance, however, of the proposed canal, though great in itself, is not justly appreciated by considering it as a separate work; it must be viewed as the basis of a vast scheme of interior navigation, connecting the waters of the lakes with those of the most southern States, a plan certainly within the compass of industry and art; and if beyond the present means, unquestionably within the growing resources of the country.

The following statement and illustration of the plan, the committee have extracted from the memorial, furnishing a correct view of the subject, well deserving the serious consideration of the Senate:

"It is easy however to see, by examining any map of the United States, that this extent may be carried much further. To the southward, the canal through the Dismal Swamp, now in execution, will open the communication to the waters of Albemarle sound, and from thence through the inlets to South Carolina and Georgia. To the northward, a communication is now nearly opened from Albany, up the Mohawk river to Lake Ontario and all the upper lakes; if a similar one be made from the Hudson river to Lake Champlain, it will extend the navigation to Quebec. And to the eastward, if the pass from Buzzard's to Boston bay be opened, which has been contemplated, it will in like manner extend it to Boston and all the coast of Massachusetts. Thus, with opening only a few short passes, of which the Chesapeake and Delaware Canal is the great and preliminary one, a communication may be made nearly free from all the dangers of the ocean, along the whole coast of the United States."

The committee are of opinion that it is among the first duties of a Government to promote public improvements of a general nature. No works deserve the character of public improvements more than canals.

The one proposed by the memorialists is of the first magnitude; it therefore well deserves the assistance and encouragement of the Government. Considering that a large capital has been subscribed, that an expensive part of the work is nearly completed, that probably, without the countenance and aid of the Government, the work will cease, to the loss of a number of public spirited individuals, and the destruction of a great public improvement; it is the opinion of the committee that aid ought to be granted to the memorialists.

If it be inconvenient, at this moment, to spare money from the Treasury, the United States have it in their power to contribute the assistance prayed for by a grant of land. The grant may be either gratuitous, or the company enjoined to dispose of it, and to credit the United States with shares of their stock, equal to the proceeds of the land, at the established rate of two hundred dollars for each share.

The committeee, therefore, submit the following resolution:

Resolved, That —— acres of land be granted to the Chesapeake and Delaware Canal Company, upon their giving bond, conditioned to transfer to the United States a number of the shares of the capital stock of said company, at the rate of two hundred dollars a share, equal to the proceeds of the sales of the land granted to them; and conditioned to sell the said land within —— years, and to furnish to the Secretary of the Treasury a true account of the sales.

The report was ordered to lie for consideration.

FRIDAY, January 16.

On motion, by Mr. WORTHINGTON, it was

Resolved, That a committee be appointed to inquire into the expediency of altering so much of an act of March 3, 1803, as relates to the lands allowed for the support of schools, in the Virginia military reservation, in the State of Ohio, and that they have leave to report by bill or otherwise.

Ordered, That Messrs. WORTHINGTON, CONDIT, and MOORE, be the committee to consider and report thereon.

Mr. TRACY, from the committee to whom was referred the bill, entitled "An act authorizing the discharge of William Hearn from his imprisonment," reported the same with amendments; which were read.

The bill, entitled "An act providing for the punishment of certain crimes against the United States," was read the second time, and referred to the committee, appointed on the 8th of December last, to whom was referred that part of the Message of the President of the United States, at the opening of the session, which relates to this subject, to consider and report thereon.

On motion, by Mr. MOORE, the galleries were cleared; and two resolutions of the Legislature of the State of Virginia were presented and read, and ordered to lie for consideration.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act authorizing the President of the United States to accept the service of a number of volunteer companies, not exceeding thirty thousand men;" also, a bill, entitled "An act supplementary to the act, entitled 'An act making provision for the redemption of the whole of the public debt of the United States;" in which bills they desire the concurrence of the Senate.

The bills were read, and ordered to the second reading.

The Senate resumed, as in Committee of the Whole, the second reading of the bill to alter the time of holding the circuit court in the district of North Carolina; and, having reported it to the House without amendment,

Ordered, That this bill pass to a third reading.

The bill establishing circuit courts, and abridging the jurisdiction of the district courts in the districts of Kentucky, Tennessee, and Ohio, was read the second time as in Committee of the Whole; and, having been amended, was reported to the House.

Ordered, That this bill pass to the third reading as amended.

The bill supplementary to an act, entitled "An act fixing the Military Peace Establishment of the United States," was read the third time, and passed.

The bill to reduce the expenses attending the administration of justice in the District of Columbia was read the second time, and considered as in Committee of the Whole; and the further consideration thereof postponed.

The Senate resumed, as in Committee of the Whole, the bill to prohibit the importation of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, 1808; and, after progress, the consideration thereof was further postponed.

Agreeably to notice given on the 12th instant, Mr. WORTHINGTON asked and obtained leave to bring in a bill giving the assent of Congress to a proposition contained in the 6th section of the 7th article of the constitution of Ohio; and the bill was read, and ordered to the second reading.

MONDAY, January 19.

The bill, entitled "An act authorizing the President of the United States to accept the service of a number of volunteer companies, not exceeding 30,000 men," was read the second time, and referred to Messrs. SMITH, of Maryland, BRADLEY, and SUMTER, to consider and report thereon.

The bill, entitled "An act supplementary to the act, entitled 'An act making provision for the redemption of the whole of the public debt of the United States," was read the second time, and referred to Messrs. BALDWIN, GILES, SMITH, of Maryland, TRACY, and ADAMS, to consider and report thereon.

The bill giving the assent of Congress to a proposition contained in the sixth section of the seventh article of the constitution of Ohio, was read the second time, and referred to Messrs. WORTHINGTON, BRADLEY, and GILES, to consider and report thereon.

The Senate resumed, as in Committee of the Whole, the second reading of the bill, entitled "An act authorizing the erection of a bridge over the river Potomac, within the District of Columbia;" and, after progress, the consideration thereof was further postponed.

TUESDAY, January 20.

The credentials of **ANDREW GREGG**, appointed a Senator of the United States by the Legislature of the Commonwealth of Pennsylvania, for six years, commencing on the 4th March next, were presented and read, and ordered to lie on file.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to continue in force, for a limited time, an act, entitled 'An act to suspend the commercial intercourse between the United States and certain parts of the island of St. Domingo;" also, a bill, entitled "An act to provide for surveying the coasts of the United States;" in which bills they desire the concurrence of the Senate.

The bills were read, and ordered to the second reading.

The Senate resumed, as in Committee of the Whole, the second reading of the bill, entitled "An act authorizing the erection of a bridge over the river Potomac, within the District of Columbia; and, after debate, the consideration thereof was further postponed.

The bill to alter the time of holding the circuit court in the district of North Carolina, was read the third time, and passed.

WEDNESDAY, January 21.

Ordered, That Messrs. **MITCHILL** and **STONE** be added to the committee to whom was referred, on the 16th instant, the bill, entitled "An act supplementary to the act, entitled 'An act making provision for the redemption of the whole of the public debt of the United States;" Messrs. **BALDWIN** and **TRACY** having been excused on account of the ill state of their health.

The bill, entitled "An act to continue in force, for a further time, an act, entitled "An act to suspend the commercial intercourse between the United States and certain parts of the island of St. Domingo," was read the second time, and referred to Messrs. **LOGAN**, **MITCHILL**, and **ADAMS**, to consider and report thereon.

The bill, entitled "An act to provide for surveying the coasts of the United States," was read the second time, and referred to Messrs. **MITCHILL**, **ADAMS**, and **GAILLARD**, to consider and report thereon.

Mr. **WORTHINGTON**, from the committee to whom the subject was referred, on the 23d December last, asked and obtained leave to report a bill confirming claims to land in the district of Vincennes; which was read, and ordered to the second reading.

Mr. **WORTHINGTON**, from the committee appointed on the 5th January, on the subject, asked and obtained leave to report a bill regulating the grants of land in the Territory of Michigan; and the bill was read, and ordered to a second reading.

The **PRESIDENT** communicated certain resolutions of the Legislative Council and House of Representatives of the Indiana Territory, on the suspension of the sixth article of compact between the United States and the Territories and States northwest of the river Ohio, passed the 13th July, 1787; which resolutions were transmitted in a letter from William H. Harrison, Governor of the Indiana Territory; and the letter and resolutions were read, and ordered to lie for consideration.

Mr. **CLAY** presented the petition of John Griffin, and others, judges of the Indiana Territory, stating that, by the act of Congress, entitled "An act erecting Louisiana into two Territories, and for providing for the temporary government thereof," it was made their duty, in conjunction with the Governor of the said Territory, to organize a government in the district of Louisiana; to establish courts of justice therein; and to make and publish a code of laws for its government; and that they had, at great trouble and expense, performed that service, and praying remuneration therefor; and the petition was read, and referred to Messrs. **CLAY**, **BRADLEY**, and **MACLAY**, to consider and report thereon.

Mr. **BAYARD** gave notice that he would to-morrow ask leave to bring in a bill to explain the acts, entitled "An act supplementary to the act, entitled 'An act to divide the Territory of the United States Northwest of the river Ohio into two separate governments."

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act allowing an additional compensation to the judges of the Mississippi Territory, and extending the right of suffrage therein;" also, a bill, entitled "An act authorizing the erection of certain light-houses, and the fixing of stakes, buoys, and beacons, in certain places therein named;" in which bills they desire the concurrence of the Senate.

The Senate resumed the second reading of the bill, entitled "An act authorizing the erection of a bridge over the river Potomac, within the District of Columbia;" and Mr. **BAYARD** submitted certain statements signed K. K. Van Rensselaer, Joseph Lewis, jun., and Uri Tracy, of a conversation had with Theodore Burr on this subject; and on motion that they be received and read, the Senate being equally divided, sixteen voting in the affirmative, and sixteen in the negative, the **PRESIDENT** determined the question in the affirmative; and the statements were read, and ordered to be printed for the use of the Senate.

Whereupon, on motion, by Mr. **GILES**, that Theodore Burr be admitted to the bar of this House for examination, it was objected that the motion was not in order; and the **PRESIDENT** submitted the question of order to the decision of the Senate, to wit: Is the motion of the member from Virginia in order? and it was determined in the negative.

THURSDAY, January 22.

The two bills brought up yesterday from the House of Representatives for concurrence were read, and ordered to the second reading.

The Senate resumed the second reading of the bill, entitled "An act authorizing the erection of a bridge over the Potomac, within the District of Columbia;" and the memorial of sundry citizens of the town and county of Alexandria was read, praying to be incorporated into a company for making a turnpike road from Bridge Point on Alexander's island, to the northern extremity of Washington street, in the town of Alexandria; and,

Ordered, That it be printed for the use of the Senate.

The PRESIDENT communicated a letter signed Theodore Burr, explanatory of his former statements on the subject of bridges; which was read and ordered to be printed for the use of the Senate.

Agreeably to notice given yesterday, Mr. BAYARD asked and obtained leave to bring in a bill to explain the act, entitled "An act supplementary to an act, entitled 'An act to divide the Territory of the United States Northwest of the river Ohio into two separate governments." and the bill was read and ordered to the second reading.

The PRESIDENT communicated a report of the Secretary for the Department of the Treasury, in obedience to the provisions of the act, entitled "An act to regulate and fix the compensation of clerks, and to authorize the laying out certain public roads, and for other purposes," and stating that it will be necessary, on account of the great increase of business connected with the adjustment of claims and sales of public lands, to employ hereafter a greater number of clerks for that object; and the report was read and ordered to lie for consideration.

BURR'S CONSPIRACY.

The following Message was received from the PRESIDENT OF THE UNITED STATES.

To the Senate and House of
Representatives of the United States:

Agreeably to the request of the House of Representatives, communicated in their resolution of the 16th instant, I proceed to state, under the reserve therein expressed, information received touching an illegal combination of private individuals against the peace and safety of the Union, and a military expedition planned by them against the territories of a Power in amity with the United States, with the measures I have pursued for suppressing the same.

I had for some time been in the constant expectation of receiving such further information as would have enabled me to lay before the Legislature the termination as well as the beginning and progress of this scene of depravity, so far as it has been acted on the Ohio and its waters. From this, the state of safety of the lower country might have been estimated on probable grounds; and the delay was indulged the rather, because no circumstance had yet made it necessary to call in the aid of the legislative functions. Information, now recently communicated, has brought us nearly to the period contemplated. The mass of what I have received in the course of these transactions, is voluminous; but little has been given under the sanction of an oath, so as to constitute formal and legal evidence. It is chiefly in the form of letters, often containing such a mixture of rumors, conjectures, and suspicions, as renders it difficult to sift out the real facts, and unadvisable to hazard more than general outlines, strengthened by current information, on the particular credibility of the relator. In this state of the evidence, delivered sometimes too under the restriction of private confidence, neither safety nor justice will permit the exposing names, except that of the principal actor, whose guilt is placed beyond question.

Some time in the latter part of September, I received intimations that designs were in agitation in the western country unlawful and unfriendly to the peace of the Union; and that the prime mover in these was AARON BURR, heretofore distinguished by the favor of his country. The grounds of these intimations being inconclusive, the objects uncertain, and the fidelity of that country, known to be firm, the only measure taken was to urge the informants to use their best endeavors to get further insight into the designs and proceedings of the suspected persons, and to communicate them to me.

It was not till the latter part of October, that the objects of the conspiracy began to be perceived; but still so blended and involved in mystery, that nothing distinct could be singled out for pursuit. In this state of uncertainty, as to the crime contemplated, the acts done, and the legal course to be pursued, I thought it best to send to the scene, where these things were principally in transaction, a person in whose integrity, understanding, and discretion, entire confidence could be reposed, with instructions to investigate the plots going on, to enter into conference (for which he had sufficient credentials) with the Governors and all other officers, civil and military, and, with their aid, to do on the spot whatever should be necessary to discover the designs of the conspirators, arrest their means, bring their persons to punishment, and to call out the force of the country to suppress any unlawful enterprise in which it should be found they were engaged. By this time it was known that many boats were under preparation, stores of provisions collecting, and an unusual number of suspicious characters in motion on the Ohio and its waters. Besides despatching the confidential agent to that quarter, orders were at the same time sent to the Governors of the Orleans and Mississippi Territories, and to the commanders of the land and naval forces there, to be on their guard against surprise, and in constant readiness to resist any enterprise which might be attempted on the vessels, posts, or other objects, under their care; and on the 8th of November instructions were forwarded to General Wilkinson, to hasten an accommodation with the Spanish commandant on the Sabine, and as soon as that was effected, to fall back with his principal force to the hither bank of the Mississippi, for the defence of the interesting points on that river. By a letter received from that officer on the 25th of November, but dated October 21st, we learnt that a confidential agent of Aaron Burr had been deputed to him with communications, partly written in cypher and partly oral, explaining his designs, exaggerating his resources, and making such offers of emolument and command, to engage him and the army in his unlawful enterprise as he had flattered himself would be successful. The General, with the honor of a soldier and fidelity of a good citizen, immediately despatched a trusty officer to me, with information of what had passed, proceeding to establish such an understanding with the Spanish commandant on the Sabine, as permitted him to withdraw his force across the Mississippi, and to enter on measures for opposing the projected enterprise.

The General's letter, which came to hand on the 25th of November, as has been mentioned, and some other information received a few days earlier, when brought together, developed Burr's general designs, different parts of which only had been revealed to different informants. It appeared that he contemplated two distinct objects, which might be carried on either jointly or separately, and either the one or the other first, as circumstances should direct. One of these was the severance of the Union of these States by the Alleghany mountains; the other, an attack on Mexico. A third object was provided, merely ostensible, to wit: the settlement of a pretended purchase of a tract of country on the Washita, claimed by a Baron Bastrop. This was to serve as the pretext for all his preparations, an allurement for such followers as really wished to acquire settlements in that country, and a cover under which to retreat in the event of a final discomfiture of both branches of his real design.

He found at once that the attachment of the western country to the present Union was not to be shaken; that its dissolution could not be effected with the consent of its inhabitants, and that his resources were inadequate, as yet, to effect it by force. He took his course then at once, determined to seize on New Orleans, plunder the bank there, possess himself of the military and naval stores, and proceed on his expedition to Mexico, and to this object all his means and preparations were now directed. He collected from all the quarters where himself or his agents possessed influence, all the ardent, restless, desperate, and disaffected persons, who were ready for any enterprise analogous to their characters. He seduced good and well meaning citizens, some by assurances that he possessed the confidence of the Government, and was acting under its secret patronage, a pretence which procured some credit from the state of our differences with Spain; and others, by offers of land in Bastrop's claim on the Washita.

This was the state of my information of his proceedings about the last of November, at which time, therefore, it was first possible to take specific measures to meet them. The proclamation of November 27th, two days after the receipt of General Wilkinson's information, was now issued. Orders were despatched to every interesting point on the Ohio and Mississippi, from Pittsburgh to New Orleans, for the employment of such force, either of the regulars or of the militia, and of such proceedings also of the civil authorities, as might enable them to seize on all the boats and stores provided for the enterprise, to arrest the persons concerned, and to suppress, effectually, the further progress of the enterprise. A little before the receipt of these orders in the State of Ohio, our confidential agent, who had been diligently employed in investigating the conspiracy, had acquired sufficient information to open himself to the Governor of that State, and apply for the immediate exertion of the authority and power of the State to crush the combination. Governor Tiffin and the Legislature, with a promptitude, an energy, and patriotic zeal, which entitle them to a distinguished place in the affection of their sister States, effected the seizure of all the boats, provisions, and other preparations within their reach, and thus gave a first blow, materially disabling the enterprise in its outset.

In Kentucky a premature attempt to bring Burr to justice, without a sufficient evidence for his conviction, had produced a popular impression in his favor, and a general disbelief of his guilt. This gave him an unfortunate opportunity of hastening his equipments. The arrival of the proclamation and orders, and the application and information of our confidential agent, at length awakened the authorities of that State to the truth, and then produced the same promptitude and energy of which the neighboring State had set the example. Under an act of their Legislature, of December 23d, militia was instantly ordered to different important points, and measures taken for doing whatever could yet be done. Some boats (accounts vary from five to double or treble that number,) and persons (differently estimated from one to three hundred,) had in the mean time passed the Falls of Ohio, to rendezvous at the mouth of Cumberland, with others expected down that river.

Not apprized, till very late, that any boats were building on Cumberland, the effect of the proclamation had been trusted to for some time in the State of Tennessee. But, on the 19th of December, similar communications and instructions, with those to the neighboring States, were despatched by express to the Governor, and a general officer of the western division of the State; and, on the 23d of December, our confidential agent left Frankfort for Nashville, to put into activity the means of that State also. But by information received yesterday, I learn that on the 23d of December, Mr. Burr descended the Cumberland with two boats merely of accommodation, carrying with him from that State no quota towards his unlawful enterprise. Whether, after the arrival of the proclamation, of the orders, or of our agent, any exertion which could be made by that State, or the orders of the Governor of Kentucky for calling out the militia at the mouth of Cumberland, would be in time to arrest these boats, and those from the Falls of Ohio, is still doubtful.

On the whole, the fugitives from the Ohio, with their associates from Cumberland, or any other place in that quarter, cannot threaten serious danger to the city of New Orleans.

By the same express of December nineteenth, orders were sent to the Governors of Orleans and Mississippi, supplementary to those which had been given on the twenty-fifth of November, to hold the militia of their Territories in readiness to co-operate, for their defence, with the regular troops and armed vessels then under command of General Wilkinson. Great alarm, indeed, was excited at New Orleans by the exaggerated accounts of Mr. Burr, disseminated through his emissaries, of the armies and navies he was to assemble there. General Wilkinson had arrived there himself on the 24th of November, and had immediately put into activity the resources of the place, for the purpose of its defence; and on the 10th of December, he was joined by his troops from the Sabine. Great zeal was shown by the inhabitants generally; the merchants of the place readily agreeing to the most laudable exertions and sacrifices for manning the armed vessels with their seamen; and the other citizens manifesting unequivocal fidelity to the Union, and a spirit of determined resistance to their expected assailants.

Surmises have been hazarded that this enterprise is to receive aid from certain foreign Powers. But these surmises are without proof or probability. The wisdom of the measures sanctioned by Congress at its last session, has placed us in the paths of peace and justice with the only Powers with whom we had any differences; and nothing has happened since which makes it either their interest or ours to pursue another course. No change of measures has taken place on our part:

none ought to take place at this time. With the one, friendly arrangement was then proposed, and the law, deemed necessary on the failure of that, was suspended to give time for a fair trial of the issue. With the same Power friendly arrangement is now proceeding, under good expectations, and the same law deemed necessary on failure of that, is still suspended, to give time for a fair trial of the issue. With the other, negotiation was in like manner then preferred, and provisional measures only taken to meet the event of rupture. With the same Power negotiation is still preferred, and provisional measures only are necessary to meet the event of rupture. While, therefore, we do not deflect in the slightest degree from the course we then assumed, and are still pursuing, with mutual consent, to restore a good understanding, we are not to impute to them practices as irreconcileable to interest as to good faith, and changing necessarily the relations of peace and justice between us to those of war. These surmises are, therefore, to be imputed to the vauntings of the author of this enterprise, to multiply his partisans by magnifying the belief of his prospects and support.

By letters from General Wilkinson, of the 14th and 18th of December, which came to hand two days after the date of the resolution of the House of Representatives, that is to say, on the morning of the 18th instant, I received the important affidavit, a copy of which I now communicate, with extracts of so much of the letters as comes within the scope of the resolution. By these it will be seen that of three of the principal emissaries of Mr. Burr, whom the General had caused to be apprehended, one had been liberated by *habeas corpus*, and two others, being those particularly employed in the endeavor to corrupt the General and Army of the United States, have been embarked by him for ports in the Atlantic States, probably on the consideration that an impartial trial could not be expected, during the present agitation of New Orleans, and that that city was not as yet a safe place of confinement. As soon as these persons shall arrive, they will be delivered to the custody of the law, and left to such course of trial, both as to place and progress, as its functionaries may direct. The presence of the highest judicial authorities, to be assembled at this place within a few days, the means of pursuing a sounder course of proceedings here than elsewhere, and the aid of the Executive means, should the Judges have occasion to use them, render it equally desirable for the criminals as for the public, that, being already removed from the place where they were first apprehended, the first regular arrest should take place here, and the course of proceedings receive here their proper direction.

JANUARY 22, 1807. TH. JEFFERSON.

Ordered, That the Message, and documents therein referred to, lie for consideration; and that five hundred copies thereof be printed for the use of the Senate.

FRIDAY, January 23.

The bill regulating the grants of land in the Territory of Michigan was read the second time, and the consideration thereof postponed.

The bill confirming claims to land in the district of Vincennes was read the second time, and the consideration thereof postponed.

The bill to explain the act, entitled "An act supplementary to an act, entitled 'An act to divide the Territory of the United States Northwest of the river Ohio into two separate governments," was read the second time and referred to Messrs. BAYARD, BRADLEY, and WORTHINGTON, to consider and report thereon.

The bill entitled "An act allowing an additional compensation to the judges of the Mississippi Territory, and extending the right of suffrage therein," was read the second time and referred to Messrs. WORTHINGTON, TRACY, and CLAY, to consider and report thereon.

The bill, entitled "An act authorizing the erection of certain light-houses, and the fixing of stakes, buoys, and beacons, in certain places therein named," was read the second time and referred to Messrs. MITCHILL, FENNER, and STONE, to consider and report thereon.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to extend the power of granting writs of injunctions to the judges of the district courts of the United States; also, a bill, entitled "An act for the relief of Edmund Briggs;" in which bills they desire the concurrence of the Senate.

The two last bills brought up for concurrence were read and ordered to the second reading.

On motion by Mr. GILES,

Ordered, That Messrs. GILES, ADAMS, and SMITH, of Maryland, be a committee to inquire whether it is expedient, in the present state of public affairs, to suspend the privilege of the writ of *habeas corpus*, and that they have leave to report by bill or otherwise.

Ordered, That the Message of the President of the United States, of the 22d instant, together with the documents therein mentioned, be referred to the same committee.

Whereupon, Mr. GILES, from the committee, reported a bill to suspend the privilege of the writ of *habeas corpus* for a limited time, in certain cases; and the rule was, by unanimous consent, dispensed with, and the bill had three readings, and was amended.

Resolved, That this bill pass as amended, that it be engrossed, and that the title thereof be "An act to suspend the privilege of the writ of *habeas corpus* for a limited time, in certain cases."

The committee also reported the following message to the House of Representatives; which was read, and agreed to; to wit:

Gentlemen of the House of Representatives:

The Senate have passed a bill suspending for three months the privilege of the writ of *habeas corpus*, in certain cases, which they think expedient to communicate to you in confidence, and to request your concurrence therein, as speedily as the emergency of the case shall, in your judgment, require.

Ordered, That Mr. SMITH, of Maryland, be the committee to deliver the message to the House of Representatives.

MONDAY, January 26.

Mr. MITCHILL, from the committee to whom was referred the bill, entitled "An act to provide for surveying the coasts of the United States," reported it with amendments; which were read and ordered to lie for consideration.

Mr. MITCHILL, also, from the committee to whom was referred the bill, entitled "An act authorizing the erection of certain light-houses, and the fixing of stakes, buoys, and beacons, at certain places therein mentioned," reported it without amendment.

The bill entitled "An act for the relief of Edmund Briggs," was read the second time and referred to Messrs. BRADLEY, ADAMS, and MITCHILL, to consider and report thereon.

A Message was received from the PRESIDENT OF THE UNITED STATES, as follows:

To the Senate and House of
Representatives of the United States:

I received from General Wilkinson, on the 23d instant, his affidavit, charging Samuel Swartwout, Peter V. Ogden, and James Alexander, with the crimes described in the affidavit; a copy of which is now communicated to both Houses of Congress.

It was announced to me at the same time, that Swartwout and Bollman, two of the persons apprehended by him, were arrived in this city, in custody, each, of a military officer. I immediately delivered to the Attorney of the United States, in this district, the evidence received against them, with instructions to lay the same before the Judges, and apply for their process to bring the accused to justice; and put into his hands orders to the officers having them in custody to deliver them to the Marshal, on his application.

TH. JEFFERSON.

JANUARY 26, 1807.

The Message and papers therein mentioned were read and referred to Messrs. GILES, BAYARD, and ADAMS, together with the Message and papers heretofore communicated to the Senate on the same subject, to consider and report thereon; and five hundred copies of the Message of the President of the United States and documents communicated this day, were ordered to be printed for the use of the Senate.

Mr. GILES, from the committee to whom was referred the bill, entitled "An act repealing the acts laying duties on salt, and continuing in force, for a limited time, the first section of an act, entitled 'An act further to protect the commerce and seamen of the United States against the Barbary Powers," reported it with amendments.

Ordered, That they lie for consideration.

The bill entitled "An act to extend the power of granting writs of injunction to the Judges of the district courts of the United States," was read the second time, and referred to Messrs. STONE, BRADLEY, and CLAY, to consider and report thereon.

The Senate resumed the third reading of the bill for the relief of Seth Harding, late a Captain in the Navy of the United States.

Resolved, That this bill pass, that it be engrossed, and that the title thereof be "An act for the relief of Seth Harding, late a Captain in the Navy of the United States."

The Senate resumed, as in Committee of the Whole, the second reading of the bill to prohibit the importation of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, in the year of our Lord one thousand eight hundred and eight: and the President having reported the bill to the House with amendments,

Ordered, That this bill pass to the third reading as amended.

The bill establishing circuit courts, and abridging the jurisdiction of the district courts, in the districts of Kentucky, Tennessee, and Ohio, was read the third time, as amended; and

Resolved, That this bill pass, that it be engrossed, and that the title thereof be "An act establishing circuit courts and abridging the jurisdiction of the district courts, in the districts of Kentucky, Tennessee, and Ohio."

Mr. BAYARD, from the committee to whom was referred the bill to explain the act, entitled "An act supplementary to the act, entitled 'An act to divide the Territory of the United States northwest of the river Ohio into two separate governments," reported it without amendments.

Ordered, That this bill pass to a third reading.

TUESDAY, January 27.

JOHN SMITH, from the State of Ohio, attended.

Mr. SMITH, of Tennessee, from the committee to whom the subject was referred, reported a bill to prevent settlements being made on lands ceded to the United States, until authorized by law; and the bill was read and ordered to the second reading.

The PRESIDENT communicated the report of the Secretary for the Department of Treasury, prepared in obedience to the act, entitled "An act directing the Secretary of the Treasury to cause the coasts of North Carolina, between Cape Fear and Cape Hatteras, to be surveyed;" and the report was read and ordered to lie for consideration.

Mr. LOGAN presented the memorial of John Latour, stating that he became the purchaser of the Columbian Packet, heretofore a registered vessel of the United States, at public vendue, and received a bill of sale therefor, from J. W. Faussatt and Daniel Mann, the former registered owners of the said ship; that, on application to the collector of the port of Philadelphia, he was denied a register, on the ground, that she was, in part, the property of aliens; and praying that, as the present is the case of the first impression, without fraud, and without notice, the legislative wisdom and justice will authorize a new register for the Columbian Packet; and the memorial was read, and ordered to lie for consideration.

The Senate resumed, as in Committee of the Whole, the bill regulating the grants of land in the Territory of Michigan; and the President having reported it to the House amended, the bill was ordered to the third reading as amended.

The Senate resumed, as in Committee of the Whole, the second reading of the bill confirming claims to land in the district of Vincennes; and the President having reported the bill to the House without amendment, *Ordered*, That this bill pass to a third reading.

Mr. MITCHILL presented the memorial of a number of merchants of the city of New York, dealers in salt, praying that the bill before the Senate, providing for the repeal of the duty on salt may be postponed, for reasons mentioned in the petition; and the memorial was read and ordered to lie for consideration.

Mr. LOGAN presented a similar petition from sundry merchants of the city of Philadelphia; which was read, and ordered to lie for consideration.

The Senate took into consideration the amendments reported to the bill, entitled "An act repealing the acts laying duties on salt, and continuing in force, for a limited time, the first section of an act, entitled 'An act further to protect the commerce and seamen of the United States against the Barbary Powers."

Ordered, That this bill be the order of the day for Monday next.

The bill to prohibit the importation of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, 1808, was read the third time as amended.

Resolved, That this bill pass, that it be engrossed, and that the title thereof be "An act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, in the year of our Lord 1808.

Mr. GILES, from the committee, reported the bill, entitled "An act supplementary to the act, entitled 'An act making provision for the redemption of the whole of the public debt of the United States," without amendment.

The bill, to explain the act, entitled "An act supplementary to an act, entitled 'An act to divide the Territory of the United States Northwest of the river Ohio into two separate governments," was read the third time.

Ordered, That the further consideration thereof be postponed.

The Senate took into consideration, as in Committee of the Whole, the amendments reported to the bill, entitled "An act to provide for surveying the coasts of the United States," and the President having reported the bill to the House with amendments,

Ordered, That this bill pass to the third reading as amended.

The Senate resumed the second reading of the bill, entitled "An act authorizing the erection of a bridge over the river Potomac, within the District of Columbia;" and a motion was made, by Mr. THRUSTON, to postpone the further consideration of this bill to the next session of Congress; and, after debate, the Senate adjourned.

WEDNESDAY, January 28.

Sundry written Messages were received from the President of the United States, by Mr. Coles, his Secretary.

The bill to prevent settlements being made on lands ceded to the United States, until authorized by law, was read the second time, and made the order of the day for Friday next.

The Senate resumed the second reading of the bill, entitled "An act authorizing the erection of a bridge over the river Potomac, within the District of Columbia," and the motion that it be postponed to the next session of Congress; and, after debate, the Senate adjourned.

THURSDAY, January 29.

Mr. FENNER presented the memorial of sundry citizens of the State of Rhode Island, praying the acts laying duties on salt may not be repealed, for the reasons stated in their petition; which was read, and ordered to lie for consideration.

The Message yesterday received from the PRESIDENT OF THE UNITED STATES was read, as follows:

To the Senate and House of
Representatives of the United States:

By the letter of Captain Bissell, who commands at Fort Massac, and of Mr. Murrell to General Jackson, of Tennessee, copies of which are now communicated to Congress, it will be seen that Aaron Burr passed Fort Massac on the 31st December, with about ten boats, navigated by about six hands each, without any military appearance; and that three boats with ammunition were said to have been arrested by the militia at Louisville.

As the guard of militia posted on various points of the Ohio will be able to prevent any further aids passing through that channel, should any be attempted, we may now estimate with tolerable certainty the means derived from the Ohio and its waters, towards the accomplishment of the purposes of Mr. Burr.

TH. JEFFERSON.

JANUARY 28, 1807.

The Message and papers were read, and ordered to lie for consideration.

The following Message, received yesterday from the PRESIDENT OF THE UNITED STATES, was also read:

To the Senate and House of
Representatives of the United States:

I communicate, for the information of Congress, the report of the Director of the Mint, of the operations of that establishment during the last year.

TH. JEFFERSON.

JANUARY 27, 1807.

Ordered, That the Message, and report therein referred to, lie for consideration.

The following Message, received yesterday from the PRESIDENT OF THE UNITED STATES, was also read:

To the Senate and House of
Representatives of the United States:

I now render to Congress the account of the fund established for defraying the contingent expenses of Government for the year 1806. No occasion having arisen for making use of any part of the balance, of $18,012 50, unexpended on the 31st day of December, 1805, that balance remains in the Treasury.

TH. JEFFERSON.

JANUARY 27, 1807.

Ordered, That the Message and account lie on the table.

Mr. **LOGAN** presented the petition of sundry merchants of the city of Philadelphia, praying the benefit of drawback on certain imported articles, notwithstanding the formalities of the laws, by unavoidable casualties, though with no intention of fraud, have not been complied with, for reasons mentioned at large in the petition; which was read, and ordered to lie for consideration.

Mr. **STONE**, from the committee to whom was referred the bill, entitled "An act to extend the power of granting writs of injunction to the judges of the district courts of the United States," reported it with amendments; which were read, and ordered to lie for consideration.

A message from the House of Representatives informed the Senate that the House have passed the bill, sent from the Senate, entitled "An act to alter the time for holding the circuit courts in the district of North Carolina," with amendments, in which they request the concurrence of the Senate. They have passed a bill, entitled "An act for the relief of the sufferers by fire, in the town of Portsmouth, New Hampshire," in which they request the concurrence of the Senate.

The bill last mentioned was read, and ordered to the second reading.

The Senate took into consideration the amendments of the House of Representatives to the bill first mentioned in the message; and,

Ordered, That it be referred to Messrs. **TURNER**, **BRADLEY**, and **STONE**, to consider and report thereon.

The Senate resumed the second reading of the bill, entitled "An act authorizing the erection of a bridge over the river Potomac, within the District of Columbia," and the motion that it be postponed to the next session of Congress.

And on the question to agree to the postponement, it passed in the affirmative—yeas 17, nays 16, as follows:

YEAS—Messrs. Adams, Baldwin, Fenner, Giles, Hillhouse, Howland, Logan, Maclay, Mitchill, Pickering, Reed, Smith of Maryland, Smith of New York, Sumter, Thruston, Tracy, and Worthington.

NAYS—Messrs. Bayard, Bradley, Clay, Condit, Gaillard, Gilman, Kitchel, Milledge, Moore, Plumer, Smith of Ohio, Smith of Tennessee, Smith of Vermont, Stone, Turner, and White.

FRIDAY, January 30.

Mr. **ADAMS** made the following motion, which was read:

Resolved, That the following rule be added to the rules for conducting business in the Senate.

The final question upon the second reading of every bill, resolution, Constitutional amendment, or motion, originating in the Senate, and requiring three readings previous to its being passed, shall be, Whether it shall be engrossed and read a third time? And no amendment shall be received for discussion at the third reading of any bill, resolution, amendment, or motion, unless by unanimous consent of the members present.

Ordered, That it lie for consideration.

Mr. **LOGAN** presented the petition of Dennis De Cottineau, stating that, during the American war, he was captain of an armed vessel called the Pallas, one of the squadron in the service of the United States, under the command of Captain Paul Jones, and praying Congress for the advance of his proportion of prize money, the proceeds of three British merchant ships sent to Bergen, in Norway, in the year 1779, for reasons mentioned in the petition; which was read, and ordered to lie on the table.

Mr. **TURNER**, from the committee to whom was referred the amendments of the House of Representatives to the bill, entitled "An act to alter the time for holding the circuit courts in the district of North Carolina," made report. Whereupon, the Senate concurred in the amendments.

The bill, entitled "An act for the relief of the sufferers by fire, in the town of Portsmouth, in New Hampshire," was read the second time, and referred to Messrs. **GILMAN**, **TRACY**, and **ADAMS**, to consider and report thereon.

Agreeably to the order of the day, the Senate took into consideration, as in Committee of the Whole, the second reading of the bill to prevent settlements being made on lands ceded to the United States until authorized by law; and the bill was made the order of the day for Tuesday next.

The bill, entitled "An act to provide for surveying the coasts of the United States," was read the third time as amended, and passed.

The Senate resumed, as in Committee of the Whole, the second reading of the bill to reduce the expenses attending the administration of justice in the District of Columbia, and the President having reported it to the House amended,

Ordered, That it pass to the third reading as amended.

The Senate resumed, as in Committee of the Whole, the second reading of the bill, entitled "An act authorizing certain light-houses, and the fixing of stakes, buoys, and beacons, at certain places therein mentioned:" and the consideration thereof was postponed.

The Senate resumed the third reading of the bill to explain the act, entitled "An act supplementary to an act, entitled 'An act to divide the Territory of the United States Northwest of the river Ohio into two separate governments."

Resolved, That this bill pass, that it be engrossed, and that the title thereof be "An act to explain the act, entitled 'An act supplementary to the act, entitled 'An act to divide the Territory of the United States Northwest of the river Ohio into two separate governments.

MONDAY, February 2.

Mr. **LOGAN**, from the committee to whom was referred, on the 21st ultimo, the bill, entitled "An act to continue in force, for a further time, an act entitled 'An act to suspend the commercial intercourse between the United States and certain parts of the island of St. Domingo," reported it without amendment.

On motion of Mr. **MILLEDGE**, that it be

Resolved, That a committee be appointed to inquire whether any, and, if any, what, amendments ought to be made to the act, entitled "An act to punish frauds on the Bank of the United States;" and that they have leave to report by bill or otherwise:

Ordered, That this motion lie for consideration

The Senate resumed the consideration of the motion made on the 30th ultimo, for an additional rule in conducting business in the Senate; and it was referred to Messrs. GILES, ADAMS, and TRACY, to consider and report thereon.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to annex certain shores and waters to the district of Mississippi, and to authorize the building a custom-house at New Orleans;" in which they request the concurrence of the Senate; and also informed the Senate of the death of General Levi Casey, late a member of the House of Representatives, and that his funeral will take place this day at one o'clock.

Whereupon, *Resolved,* That the Senate will attend the funeral of General CASEY.

The bill last brought up for concurrence was read, and ordered to the second reading.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of
Representatives of the United States:

In execution of the act of the last session of Congress, entitled "An act to regulate the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio," I appointed Thomas Moore, of Maryland, Joseph Ker, of Ohio, and Eli Williams, of Maryland, Commissioners to lay out the said road, and to perform the other duties assigned to them by the act. The progress which they made in the execution of the work during the last season, will appear in their report now communicated to Congress. On the receipt of it, I took measures to obtain consent for making the road of the States of Pennsylvania, Maryland, and Virginia, through which the Commissioners proposed to lay it out. I have received acts of the Legislatures of Maryland and Virginia, giving the consent desired; that of Pennsylvania has the subject still under consideration, as is supposed. Until I receive full consent to a free choice of route through the whole distance, I have thought it safest neither to accept or reject finally the partial report of the Commissioners. Some matters suggested in the report belong exclusively to the Legislature. TH. JEFFERSON.

JANUARY 31, 1807.

The Message was read, and ordered to lie for consideration.

And, on motion, the Senate adjourned.

TUESDAY, February 3.

Mr. GAILLARD presented the memorial of Nathaniel Russel, and others, merchants of Charleston, South Carolina, stating, that, in the year 1802, and for a long time previous to that period, they grievously suffered from depredations committed on their lawful commerce by privateers and vessels of war under the flag and authority of the French Republic; and praying the interposition of Congress for their relief, for reasons mentioned in the memorial; which was read and ordered to lie for consideration.

The Senate took into consideration the motion made yesterday, That a committee be appointed to inquire whether any, and, if any, what, amendment ought to be made to the act, entitled "An act to punish frauds on the Bank of the United States," and that they have leave to report by bill or otherwise; and, having agreed to the motion, Messrs. MILLEDGE, ADAMS, and BRADLEY, were appointed the committee.

The bill, entitled "An act to annex certain shores and waters to the district of Mississippi, and to authorize the building of a custom-house at New Orleans," was read the second time, and referred to Messrs. TRACY, STONE, and BALDWIN, to consider and report thereon.

Mr. GILMAN, from the committee to whom was referred the bill, entitled "An act for the relief of the sufferers by fire in the town of Portsmouth, New Hampshire," reported it without amendment.

Ordered, That this bill pass to a third reading.

The Senate resumed, as in Committee of the Whole, the second reading of the bill, entitled "An act authorizing the erection of light-houses, and the fixing of stakes, buoys, and beacons, at certain places therein mentioned;" and the President having reported it to the House without amendment, by unanimous consent, the bill was read the third time, and passed.

Agreeably to the order of the day, the Senate resumed the second reading of the bill, entitled "An act repealing the acts laying duties on salt, and continuing in force, for a further time, the first section of an act, entitled 'An act further to protect the commerce and seamen of the United States against the Barbary Powers;" and it was agreed that it be the order of the day for Monday next.

Agreeably to the order of the day, the Senate resumed, as in Committee of the Whole, the second reading of the bill to prevent settlements being made on lands ceded to the United States until authorized by law; and, on motion to amend the bill, it was ordered that the bill, together with a proposed amendment to the proviso in the first section, be referred to Messrs. GILES, BRADLEY, and SMITH, of Tennessee, to consider and report thereon.

A motion was submitted, by Mr. CLAY, for consideration, as follows:

"That a committee be appointed to inquire whether any, and, if any, what, further provision is necessary to secure to the citizens of the United States, suffering from Indian depredations, the indemnity guarantied to them by law."

And, on motion, the Senate adjourned.

WEDNESDAY, February 4.

Mr. BRADLEY presented the petition of Ira Allen, stating that he has sustained great damage and sufferings by the capture of a quantity of arms and ordnance, under the authority of the British Government, which were purchased in France for the supply of the militia of the State of Vermont, in the year 1795, as is stated at large in his petition; and praying the interposition of Congress; and his petition was read, and referred to Messrs. BRADLEY, TRACY, and WORTHINGTON, to consider and report thereon.

The Senate took into consideration the motion made yesterday, "That a committee be appointed 'to inquire whether any, and, if any, what, further provision is necessary to secure to the citizens of the United States, suffering from Indian depredations, the indemnity guarantied to them by law;" and the motion was adopted; and Messrs. CLAY, BRADLEY, and TRACY, were appointed the committee to consider and report thereon.

Mr. GILES, from the committee to whom was referred, on the 2d instant, the motion for an additional rule for conducting business in the Senate, reported the same with an amendment.

The Senate resumed the second reading of the bill, entitled "An act to continue in force for a further time an act, entitled "An act to suspend the commercial intercourse between the United States and certain parts of the island of St. Domingo, and it was recommitted to Messrs. LOGAN, MITCHILL, and GILES, further to consider and report thereon.

The Senate resumed the third reading of the bill in addition to the act for establishing a Mint, and regulating the coins of the United States; and

Ordered, That it be recommitted to Messrs. TRACY, LOGAN, and MITCHILL, further to consider and report thereon.

The bill to reduce the expenses attending the administration of justice in the District of Columbia was read the third time as amended, and passed.

The bill regulating the grants of land in the Territory of Michigan was read the third time as amended; and a motion was made by Mr. BRADLEY further to amend the bill: Whereupon, it was agreed that the consideration thereof be postponed until to-morrow.

The bill confirming claims to land in the district of Vincennes, was read the third time, and passed.

The bill, entitled "An act for the relief of the sufferers by fire in the town of Portsmouth, New Hampshire," was read the third time, and passed.

On motion, by Mr. BAYARD,

"That a committee be appointed to prepare and bring in a bill to regulate the summoning of grand jurors."

Ordered, That this motion lie for consideration.

Mr. BAYARD also submitted the following motion for consideration:

"That the Attorney General of the United States be directed to procure and lay before the Senate, at their next session, tables of the fees and compensation paid to attorneys at law, prothonotaries, registers, and clerks of judicial courts, to the sheriffs and coroners, to grand and petit jurors, and to witnesses, in the several States."

The Senate resumed, as in Committee of the Whole, the second reading of the bill, entitled "An act authorizing the discharge of William Hearn from his imprisonment," and the President having reported it to the House amended, the bill was ordered to the third reading as amended.

The Senate took into consideration the amendment reported to the additional rule for conducting business in the Senate; which was read and agreed to, and the rule was adopted, as follows:

"The final question upon the second reading of every bill, resolution, Constitutional amendment, or motion, originating in the Senate, and requiring three readings previous to its being passed, shall be: 'Whether it shall be engrossed and read a third time?' And no amendment shall be received for discussion at the third reading of any bill, resolution, amendment, or motion, unless by unanimous consent of the members present; but it shall at all times be in order, before the final passage of any such bill, resolution, Constitutional amendment, or motion, to move its commitment; and, should such commitment take place, and any amendment be reported by the committee, the said bill, resolution, Constitutional amendment, or motion, shall be again read a second time, and considered as in Committee of the Whole, and then the aforesaid question shall be again put."

The Senate resumed, as in Committee of the Whole, the second reading of the bill, entitled "An act to extend the power of granting writs of injunctions to the judges of the district courts of the United States; and the amendment reported by the special committee having been adopted, and the bill reported to the House accordingly, it was agreed to postpone the further consideration of this bill.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act supplementary to the act, entitled 'An act making provision for the redemption of the whole of the public debt of the United States;" and a motion was made to amend the bill, and the Senate adjourned.

THURSDAY, February 7.

Mr. HILLHOUSE, from the committee to whom the petition was referred, asked and obtained leave to bring in a bill for the relief of John Chester; which was read, and ordered to a second reading.

Mr. BRADLEY, from the committee to whom was referred the bill, entitled "An act for the relief of Edmund Briggs," reported it without amendment.

Ordered, That this bill pass to a third reading.

The Senate took into consideration the Message of the President of the United States of the 2d instant, with the report of the Commissioners appointed under the act to regulate the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio; and they were referred to Messrs. WORTHINGTON, TRACY, and GILES, to consider and report thereon.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act supplementary to the act, entitled 'An act making provision for the redemption of the whole of the public debt of the United States;" and the President having reported it to the House without amendment,

Ordered, That this bill pass to a third reading.

Mr. ADAMS submitted the following motion for consideration:

Resolved, That a committee of the Senate be appointed, jointly with such committee as may be appointed on the part of the House of Representatives, to inquire whether the act passed April 18th, 1806, entitled "An act to repeal so much of any act or acts as authorize the receipt of evidence of the public debt, in payment for the lands of the United States, and for other purposes relative to the public debt," was enrolled as the same passed the two Houses of Congress; and, if any error hath occurred therein, to report the same, and what measure may be expedient to correct the said error.

The PRESIDENT laid before the Senate the report of the Commissioners of the Sinking Fund, stating that the measures which have been authorized by the Board, subsequent to their report of the 5th of February, 1805, are fully detailed in the report of the Secretary of the Treasury to this Board, dated the 4th of the present month, and the statements therein referred to, which are herewith transmitted and prayed to be received as part of their report. And the report was read, and ordered to lie for consideration.

CHESAPEAKE AND DELAWARE CANAL.

The Senate took into consideration the report of the committee on the memorial of the President and Directors of the Chesapeake and Delaware Canal Company. The resolution reported by the committee is as follows:

Resolved, That —— acres of land be granted to the Chesapeake and Delaware Canal Company, upon their giving bond, conditioned to transfer to the United States a number of shares of the capital stock of said company, at the rate of two hundred dollars a share, equal to the proceeds of the sales of the land granted to them; and conditioned to sell the said land within —— years, and to furnish to the Secretary of the Treasury a true account of the sales.

Mr. BAYARD.—Mr. President, I am apprehensive that the resolution now under consideration, not being viewed as a national object, will not be regarded with the attention it deserves. Having some acquaintance with the subject, and being strongly impressed with its importance, I deem it a duty to communicate to the Senate the facts which I possess, and to unfold those views of the object proposed, which have presented themselves to my mind. I shall not feel it incumbent on me to employ any argument to prove the general utility of canals. If, however, there be but one opinion on this subject in old and populous countries, how much more benefit may we expect from the improvement in a young country where labor and capital, which it is calculated to save, are so much more wanted.

The relative position of the Delaware and Chesapeake bays long since awakened the attention of a distinguished body, as to the practicability of opening a water communication between them.

In the year 1769, Dr. Franklin, Mr. Rittenhouse, Mr. Gilpin, and Mr. Hollingsworth, were appointed a committee by the Philosophical Society of Philadelphia, to examine the ground between the bays, and to ascertain the practicability and probable expense of opening a communication between their waters. Their report strongly recommended the project, as one not only susceptible of being accomplished, but as a work eventually promising an adequate profit. The want of capital at that time, the disturbances then arising with Great Britain, the occurrence and consequences of the war, diverted, for a long time, the public attention from this interesting object. When, however, peace and a flourishing commerce had recruited the exhausted resources of the country, it again occupied the minds of those men, whose views, extending beyond themselves, are employed upon objects of general benefit and utility.

A rival interest had long been felt by Pennsylvania and Maryland, as to the waters of the Susquehannah. The Susquehannah, and the streams falling into it rendered navigable, it was evident that a great proportion of the produce of Pennsylvania and a part of that of the State of New York would pass down the river, and seek a market at Baltimore.

The Legislature of Pennsylvania having this impression, enacted penal laws against removing obstructions to the navigation of the river. The expected advantage had rendered Maryland unwilling to consent to unite, at their heads, the waters of the two bays. This unworthy spirit, which opposed a partial interest to general benefit, yielded at length to the enlarged and liberal views which comprehend the whole interests of the two States. Pennsylvania agreed to allow the navigation of the Susquehannah to be opened, and Maryland to permit the heads of the bays to be united by a canal.

In the years 1799, 1801, and 1802, by Legislative acts of Pennsylvania, Delaware, and Maryland, a company was incorporated with a capital of $500,000, for the purpose of cutting the canal. Subscriptions were obtained nearly to the amount of $400,000, the company was organized and the work undertaken.

Engineers of ability were employed to survey and level the ground upon several routes, which different opinions had distinguished as preferable, and after a full knowledge on the subject was attained, the line of the canal was fixed by the Board of Directors from Welch Point, on the Elk, to a point near Mendenhall's Landing, on the Christiana river. The extent of this route is twenty-one miles. A shorter distance might have united the two bays, but the safety of the harbors and navigation, and the boldness of the waters, secured by the route adopted, not only justified, but strongly recommended, the extension of the line and the probable increase of expense. An opinion had existed that the bays might be united so as to allow the waters of the one to flow into the other. The scheme was considered, but it was found that it could not be executed, so as to answer the intended purpose, without an expense infinitely beyond the means of the company. A canal with locks was, in consequence, determined on. The depth of the canal was fixed at seven and a half feet, to afford navigation to the common vessels belonging to the bays. To supply the locks of the canal, the sources of the Elk river were purchased and conveyed to the main by a smaller canal. This canal of supply, proceeding from near the line of Pennsylvania, and furnishing a barge navigation, is nearly completed; the length of it is about five miles.

In making surveys, in the purchase of water-rights and lands, of boats, and materials, in payment of laborers, and incidental expenses, the company has expended upwards of $100,000. The magnitude of the work, and its numerous details of expense, were not distinctly perceived at the time it was commenced. When it was found that one-fourth of the capital of the company was exhausted, and the work which alone had been originally contemplated not commenced, a general despondency pervaded the subscribers to the project, and many despairing of the completion of the work, and considering the payment of their subscriptions as a direct sacrifice of their property, refused to pay their instalments, and have put the company to the expense, and subjected them to the delay, of law-suits. In consequence, their operations have been paralyzed, and the work suspended.

Under these circumstances, which I felt myself bound to unfold to the view of the Senate, it is, that the company now comes to ask the assistance and support of the General Government.

This, sir, I acknowledge they have no right to expect, unless the aid we contribute belongs to the interest of the public. I shall, therefore, confine my inquiries to the advantages which different States, and the Union at large, will derive from the scheme. Virginia, Pennsylvania, New Jersey, Delaware, and Maryland, have an immediate interest in the canal. It opens an inland communication between them all. The waters emptying into the Chesapeake penetrate immense tracts of country. The towns and landings on these waters have new markets opened to them, and the assistance of additional capitals.

An interior navigation of twenty-one miles, exempt from risk, saves a voyage of five hundred, exposed to the danger of enemies and the common perils of the sea. The cheapness, facility, and safety of the intercourse must necessarily quicken the commerce between the Northern and Eastern and Southern States. The manufactures of the North will be exchanged through this channel for the produce of the South. I will not trespass so far as to go through details upon this head. I will mention, however, one article connecting the interest of Virginia with the scheme. That State abounds with coal. The consumption of this article in many towns is already considerable, and must increase with the population and manufactures of the country. At present English coal is sold as cheap in Philadelphia, as the coal of Virginia; the canal would bring the Virginia coal to market at a price which would soon exclude the English. The capital of Philadelphia enables that city to import cheaper than Baltimore; and the rate of its market attracts the custom of a great portion of the western country. Great quantities of merchandise are carried from Philadelphia, passing Baltimore, to the west and south. I shall be justified in saying that the chief market of the western country will be brought sixty or seventy miles nearer to them. To them, therefore, this channel is an object of considerable interest.

In a national point of view the canal propsses the greatest advantages in the event of war.

Without the aid of England a war with any principal Power of Europe would suspend, if not destroy, our external navigation. To possess then interior navigation, uniting distant parts with the centre of the country, would be an advantage of incalculable value. And I would beg the Senate particularly to consider the important service the execution of the scheme would render; the military operations, in facilitating the transportation of troops, baggage, stores, and ordnance, to and from distant parts of the country. The movements of an enemy possessing the sea, exposed to more hazards, could not be made from certain points with more celerity and ease than those of our own army. But, sir, however great the importance of this canal may be considered even by itself, yet the nation ought to view it, and its just consequence is only seen when regarded as a principal link in a great chain of interior navigation extending from the northern to the southern extremities of the country.

A canal is contemplated from the Delaware to the Raritan. This will open a communication between the Delaware, the North river, and the Sound. A communication is nearly effected between the Mohawk river and Lake Ontario. A similar one is practicable between the Hudson and Lake George, which would extend the navigation to Quebeck. To the eastward the connexion of Buzzard's and Boston bay, carries the navigation to Boston. To the south a canal from Elizabeth river, through the Dismal Swamp to Pasquotank river, extends the navigation to Albemarle and Pamlico Sounds; and a connexion of the inlets, which is represented as practicable and likely to be undertaken, carries it to Georgia. Thus we see an unbroken chain of interior navigation can be formed, binding together all the Atlantic States, securing in time of war and facilitating in time of peace, the internal trade of the country.

This extensive work is not only practicable, but I consider there is no hazard in affirming that before the lapse of many years it will be accomplished. The extensive and powerful private and public interest which depends upon it will not suffer the object to be neglected. The waters of no country of the same extent offer so easy and complete a communication as those of the United States.

I have not enumerated all the points of connexion. I have stated only those more immediately relating to the subject of our consideration.

There is reason to believe that the subject of internal navigation has not escaped the attention of the Administration. The present moment is propitious for the undertaking. Your Treasury is full, and the redeemable part of the public debt cannot absorb the whole of your revenue. In the other House a committee has been appointed to dispose of the surplus. I have, however, to lament that doubts of the highest authority exist as to the Constitutional right of this Government to apply the public money to objects of this kind. Though the plan I mean to propose to the Senate is not exposed to this objection, yet I shall beg permission very briefly to consider it.

It is admitted that the Constitution does not expressly give the power to cut canals; but we possess and are in daily exercise of the power to provide for the protection and safety of commerce, and the defence of the nation. It has never been contended that no power exists which has not been expressly delegated.

There is no express power given to erect a fort or magazine, though it is recognised in the delegation of exclusive legislative powers in certain cases. The power to erect light-houses and piers, to survey and take the soundings on the coast, or erect public buildings, is neither expressly given nor recognised in the Constitution, but it is embraced by a liberal and just interpretation of the clause in the Constitution, which legitimates all laws necessary and proper for carrying into execution the powers expressly delegated. On a like principle the bank of the United States was incorporated. Having a power to provide for the safety of commerce and the defence of the nation, we may fairly infer a power to cut a canal, a measure unquestionably proper with a view to either object.

But, sir, the plan I mean to propose is entirely clear of the Constitutional objection. Without any such objection I should despair of obtaining a grant of money for such an object. While money cannot be had to fortify our seaports, I cannot expect it to dig canals. I am going to ask for land upon principles of reciprocal benefit to the company and to the Government. We have, sir, 300 millions of acres, which I may say with certainty cannot be sold in a century. I will not inquire whether we have an estate in them for a hundred years. It is our policy to sell them as soon as possible. The resolution before us proposes to sell land to the company, and to receive payment in their stock.

There can be no question as to our right to sell the land for their stock. We have given it for the endowment of schools, for the making of roads, and have made gratuitous grants; and surely we must have the right to sell it for canal stock. Complete the canal and the stock cannot fail to be valuable. The United States may then convert it into money. I am warranted in saying that a grant to this company will not interfere with the sales of land made by the public. I believe that gentlemen can be found to purchase the land, with a view to promote the object of the grant, who would not purchase of the public. It is the interest of the United States, which I am proposing, more than that of the company. I am asking land, which you could not sell in a hundred years, and land which it is not likely you will hold half the period of time. A few years might complete the canal, and give to the stock its value. You will then have anticipated the sale of so much land, and accomplished an object of great public and private utility.

I have reason to believe, if this Government grant assistance to the company, the example will be followed by the States of Pennsylvania and Maryland. It now depends upon us, whether this great work shall languish and sink, or be revived and completed. More than a hundred thousand dollars have been expended; if the work be forsaken this money is lost. The project, now abandoned, will never again be undertaken by individuals. They now propose to assist you with a large capital—reject the offer, and hereafter you will be forced to do the work at your sole expense. Never had we it in our power upon terms so cheap to accomplish an object of great public importance. You save a capital of more than $100,000; you unite by internal communication the waters of five States; you lay the foundation of a scheme of interior navigation connecting the extremities of the continent; and you support a spirit of improvement so essential to the prosperity of the country, by an accommodation which takes not a cent out of our Treasury, and which promises at least a reciprocal benefit to the Government.

Mr. PICKERING supported the resolution; Mr. ADAMS opposed it; Messrs. GILES and BALDWIN suggested doubts about it. The resolution was agreed to—yeas 20, nays 6, and Messrs. BAYARD, GILES, and CLAY, were appointed a committee to bring in a bill accordingly.

FRIDAY, February 6.

The bill for the relief of John Chester was read the second time, and considered as in Committee of the Whole; and, the President having reported it to the House without amendment; on the question, "Shall the bill be engrossed and read a third time?" it passed in the affirmative.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of
Representatives of the United States:

The Government of France having examined into the claim of M. de Beaumarchais against the United States, and considering it as just and legal, has instructed its Minister here to make representations on the subject to the Government of the United States. I now lay his memoir before the Legislature, the only authority competent to a final decision on the same.

TH. JEFFERSON.

FEBRUARY 6, 1807.

The Message and papers therein mentioned were read, and referred to Messrs. BRADLEY, BAYARD, and BALDWIN, to consider and report thereon.

The Senate resumed, as in Committee of the Whole, the second reading of the bill, entitled "An act to extend the power of granting writs of injunctions to the judges of the district courts of the United States: and, the bill was ordered to the third reading as amended.

The bill, entitled "An act supplementary to the act, entitled 'An act making provision for the redemption of the whole of the public debt of the United States," was read the third time, and passed.

The following Message was also received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of
Representatives of the United States:

I lay before Congress the laws for the government of Louisiana, passed by the Governor and Judges of the Indiana Territory, at their session at Vincennes, begun on the first of October, 1804.

TH. JEFFERSON.

FEBRUARY 6, 1807.

The Message was read, and ordered to lie for consideration.

The bill, entitled "An act authorizing the discharge of William Hearn from his imprisonment," was read the third time as amended, and passed.

The Senate resumed the third reading of the bill regulating the grants of land in the Territory of Michigan; and it was recommitted to Messrs. BRADLEY, WORTHINGTON, and MACLAY, further to consider and report thereon.

The bill entitled "An act for the relief of Edmund Briggs," was read the third time, and passed.

The Senate took into consideration the motion made on the 4th instant, "That a committee be appointed to prepare and bring in a bill to regulate the summoning of grand jurors;" and having adopted the motion, Messrs. BRADLEY, BAYARD, and ADAMS, were appointed the committee.

The motion made on the 4th instant was resumed: Whereupon,

Resolved, That the Attorney General of the United States be directed to procure and lay before the Senate, at their next session, tables of the fees and compensation paid to attorneys at law, prothonotaries, registers, and clerks of judicial courts, to the sheriffs and coroners, to grand and petit jurors, and to witnesses, in the several States.

The Senate took into consideration the motion "That a committee be appointed on the part of the Senate, to join with such committee as may be appointed on the part of the House of Representatives, to inquire whether the act passed April 18, 1806, has been duly enrolled;" and the motion was referred to Messrs. ADAMS, BRADLEY, and GILES, to consider and report thereon.

Mr. MILLEDGE, from the committee appointed the 2d instant, on the subject, reported a bill to punish frauds committed on the Bank of the United States; and the bill was read and ordered to the second reading.

MONDAY, February 9.

The PRESIDENT communicated the report of the Governor and Judges of the district of Michigan, in obedience to the act, entitled "An act to provide for the adjustment of titles of land in the town of Detroit and Territory of Michigan, and for other purposes," together with the plan of a town or city they have laid out, and stating that they are making progress in the business assigned them; and the report was read and ordered to lie for consideration.

Mr. SMITH of Tennessee, from the committee to whom was referred the bill to prevent settlements being made on lands ceded to the United States until authorized by law, reported it with amendments; which were read and ordered to lie for consideration.

Mr. BRADLEY, from the committee to whom was recommitted the bill regulating the grants of land in the Territory of Michigan, reported the bill with amendments; which were read and ordered to lie for consideration.

Mr. WORTHINGTON gave notice that he would to-morrow ask leave to bring in a bill to encourage a settlement in the western district of Orleans.

The bill to punish frauds committed on the Bank of the United States was read the second time and amended. On the question, Shall the bill be engrossed and read a third time? it was determined in the affirmative.

Agreeably to the order of the day, the Senate resumed the second reading of the bill, entitled "An act repealing the acts laying duties on salt, and continuing in force for further time the first section of the act, entitled 'An act further to protect the commerce and seamen of the United States against the Barbary Powers;" and on motion, it was agreed, that it be the order of the day for Thursday next.

The bill, entitled "An act to extend the power of granting writs of injunctions to the judges of the district courts of the United States," was read the third time and further amended.

Resolved, That this bill pass with amendments.

The bill for the relief of John Chester was read the third time and passed.

Mr. TRACY, from the committee to whom was referred the bill, entitled "An act to annex certain shores and waters to the district of Mississippi, and to authorize the building a custom-house at New Orleans," reported the bill without amendment.

Ordered, That this bill pass to a third reading.

TUESDAY, February 10.

Mr. BRADLEY, from the committee appointed on the subject, reported a bill relating to the summoning of grand jurors, which was read, and ordered to the second reading.

The Senate resumed, as in Committee of the Whole, the second reading of the bill to prevent settlements being made on lands ceded to the United States, until authorized by law; and the President having reported the bill to the House amended, on the question, Shall the bill be engrossed and read a third time as amended? it was determined in the affirmative.

The Senate resumed the third reading of the bill regulating the grants of land in the Territory of Michigan, and, having agreed to the amendments reported by the special committee, the bill was passed.

The bill from the House of Representatives, entitled "An act to annex certain shores and waters to the district of Mississippi, and to authorize the building a custom-house at New Orleans," was read the third time and passed.

Mr. BAYARD, from the committee appointed on the subject, agreeably to instruction, reported a bill authorizing the sale and grant of a certain quantity of public land to the Chesapeake and Delaware Canal Company; and the bill was read, and ordered to the second reading.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of
Representatives of the United States:

I communicate, for the information of Congress, a letter from Cowles Mead, Secretary of the Mississippi Territory, to the Secretary of War, by which it will be seen that Mr. Burr had reached that neighborhood on the 13th of January.

TH. JEFFERSON.

FEBRUARY 10, 1807.

The bill to punish frauds committed on the Bank of the United States was read the third time, and passed.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act further supplementary to the act, entitled 'An act concerning the District of Columbia,'" in which they request the concurrence of the Senate.

The bill was read and ordered to the second reading.

GUNBOATS.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of
Representatives of the United States:

In compliance with the request of the House of Representatives, expressed in their resolution of the fifth instant, I proceed to give such information as is possessed, of the effect of gunboats, in the protection and defence of harbors, of the numbers thought necessary, and of the proposed distribution of them among the ports and harbors of the United States.

Under present circumstances, and governed by the intentions of the Legislature, as manifested by their annual appropriations of money for the purposes of defence, it has been concluded to combine—1st, land batteries, furnished with heavy cannon and mortars, and established on all the points around the place favorable for preventing vessels from lying before it; 2d, moveable artillery, which may be carried, as occasion may require, to points unprovided with fixed batteries; 3d, floating batteries; and, 4th, gunboats, which may oppose an enemy at his entrance, and co-operate with the batteries for his expulsion.

On this subject, professional men were consulted as far as we had opportunity. General Wilkinson, and the late General Gates, gave their opinions, in writing, in favor of the system, as will be seen by their letters now communicated. The higher officers of the Navy gave the same opinions, in separate conferences, as their presence at the Seat of Government offered occasions of consulting them, and no difference of judgment appeared on the subject. Those of Commodore Barron and Captain Tingey, now here, are recently furnished in writing, and transmitted herewith to the Legislature.

The efficacy of gunboats for the defence of harbors, and of other smooth and enclosed waters, may be estimated, in part, from that of galleys, formerly much used, but less powerful, more costly in their construction and maintenance, and requiring more men. But the gunboat itself is believed to be in use with every modern maritime nation for the purposes of defence. In the Mediterranean, on which are several small Powers, whose system, like ours, is peace and defence, few harbors are without this article of protection. Our own experience there of the effect of gunboats for harbor service, is recent. Algiers is particularly known to have owed to a great provision of these vessels for the safety of its city, since the epoch of their construction. Before that, it had been repeatedly insulted and injured. The effect of gunboats, at present, in the neighborhood of Gibraltar, is well known, and how much they were used, both in the attack and defence of that place, during a former war. The extensive resort to them by the two greatest naval Powers in the world, on an enterprise of invasion not long since in prospect, shows their confidence in their efficacy for the purposes for which they are suited. By the Northern Powers of Europe, whose seas are particularly adapted to them, they are still more used. The remarkable action between the Russian flotilla of gunboats and galleys, and a Turkish fleet of ships-of-the-line and frigates, in the Liman sea, in one thousand seven hundred and eighty-eight, will be readily recollected. The latter, commanded by their most celebrated admiral, were completely defeated, and several of their ships-of-the-line destroyed.

From the opinions given as to the number of gunboats necessary for some of the principal seaports, and from a view of all the towns and ports, from Orleans to Maine inclusive, entitled to protection in proportion to their situation and circumstances, it is concluded that, to give them a due measure of protection in times of war, about two hundred gunboats will be requisite. According to the first ideas, the following would be their general distribution, liable to be varied on more mature examination, and as circumstances shall vary, that is to say:

To the Mississippi and its neighboring waters, forty gunboats;

To Savannah and Charleston, and the harbors on each side, from St. Mary's to Currituck, twenty-five;

To the Chesapeake and its waters, twenty;

To Delaware bay and river, fifteen;

To New York, the Sound, and waters as far as Cape Cod, fifty;

To Boston, and the harbors north of Cape Cod, fifty.

The flotillas assigned to these several stations, might each be under the care of a particular commandant, and the vessels composing them, would, in ordinary, be distributed among the harbors within the station, in proportion to their importance.

Of these boats, a proper proportion would be of the larger size, such as those heretofore built, capable of navigating any seas, and of reinforcing, occasionally, the strength of even the most distant port, when menaced with danger. The residue would be confined to their own or the neighboring harbors, would be smaller, less furnished for accommodation, and consequently less costly. Of the number supposed necessary, seventy-three are built or building, and the hundred twenty-seven still to be provided, would cost from five to six thousand dollars. Having regard to the convenience of the Treasury, as well as to the resources for building, it has been thought that the one-half of these might be built in the present year, and the other half the next. With the Legislature, however, it will rest to stop where we are, or at any further point, when they shall be of opinion that the number provided shall be sufficient for the object.

At times, when Europe, as well as the United States, shall be at peace, it would not be proposed that more than six or eight of these vessels should be kept afloat. When Europe is in war, treble that number might be necessary, to be distributed among those particular harbors which foreign vessels of war are in the habit of frequenting, for the purpose of preserving order therein. But they would be manned in ordinary, with only their complement for navigation, relying on the seamen and militia of the port if called into action on any sudden emergency. It would be only when the United States should themselves be at war, that the whole number would be brought into actual service, and would be ready, in the first moments of the war, to co-operate with the other means for covering at once the line of our seaports. At all times, those unemployed would be withdrawn into places not exposed to sudden enterprise, hauled up under sheds from the sun and weather, and kept in preservation with little expense for repairs or maintenance.

It must be superfluous to observe, that this species of naval armament is proposed merely for defensive operation; that it can have but little effect towards protecting our commerce in the open seas, even on our own coast; and still less can it become an excitement to engage in offensive maritime war, towards which it would furnish no means.

TH. JEFFERSON.

February 10, 1807.

The Message was read, and, with the papers, ordered to lie for consideration.

Wednesday, February 11.

Mr. Mitchill, from the joint committee, appointed by the two Houses of Congress to execute the provisions of the act making a further appropriation for the support of the Library, passed February 21, 1806, made report; which was read, and ordered to lie for consideration.

The bill sent from the House of Representatives, entitled "An act further supplementary to the act, entitled 'An act concerning the District of Columbia,'" was read the second time, and referred to Messrs. Adams, Bradley, and Tracy, to consider and report thereon.

Mr. Smith, of Maryland, from the committee to whom was referred the bill, entitled "An act authorizing the President of the United States to accept the service of a number of volunteer companies, not exceeding thirty thousand men," reported the bill with an amendment; which was read, and ordered to lie for consideration.

The bill authorizing the sale and grant of a certain quantity of public land to the Chesapeake and Delaware Canal Company, was read the second time; and its further consideration made the order of the day for Friday next.

The bill to regulate the summoning of grand jurors was read the second time, as in Committee of the Whole, and the President reported it to the House with an amendment, which was agreed to. On the question, Shall the bill be engrossed and read the third time? it was determined in the affirmative.

The bill to prevent settlements being made on lands ceded to the United States until authorized by law, was read the third time: and on the question, Shall this bill pass? it was determined in the affirmative—yeas 17, nays 15, as follows:

Yeas—Messrs. Baldwin, Bradley, Condit, Fenner, Gaillard, Giles, Howland, Kitchel, Maclay, Milledge, Mitchill, Moore, Plumer, Smith of Maryland, Smith of New York, Smith of Tennessee, and Turner.

Nays—Messrs. Adams, Bayard, Clay, Gilman, Hillhouse, Logan, Pickering, Reed, Smith of Ohio, Smith of Vermont, Stone, Thruston, Tracy, White, and Worthington.

So it was *Resolved*, That this bill pass, and that the title thereof be, "An act to prevent settlements being made on lands ceded to the United States, until authorized by law."

The following Message was received from the President of the United States:

To the Senate and House of
Representatives of the United States:

I now lay before Congress a statement of the militia of the United States, according to the latest returns received by the Department of War. From two of the States no returns have ever been received.

TH. JEFFERSON.

February 11, 1807.

The Message and statement were read, and ordered to lie on table.

The following Message was also received from the President of the United States:

To the Senate and House of
Representatives of the United States:

I transmit to both Houses of Congress the laws adopted by the government and judges of the Territory of Michigan, from the 1st day of July, 1806, to the 1st day of the present year.

TH. JEFFERSON.

February 11, 1807.

The Message was read, and, with the laws referred to, ordered to lie on the table.

On motion, by Mr. Bayard,

That a committee be appointed to inquire into the expediency of allowing incorporated banks and insurance companies to take and sell ships and vessels without forfeiting the benefit of their registers, and that the said committee have leave to report by bill or otherwise:

Ordered, That this motion lie for consideration.

Thursday, February 12.

Ordered, That the memorial of sundry merchants of the city of Philadelphia, presented on the 29th of January last, on the subject of drawbacks, be referred to Messrs. Logan, Bradley, and Adams, with leave to report thereon by bill or otherwise.

Mr. Logan observed, that he had for some time viewed with anxiety the continued depredations committed on the commerce of the United States by the belligerent Powers of Europe, by which our mercantile capital had suffered a loss of millions, and our national character was degraded. He considered this lamentable situation of our commerce to arise from the bounty, in the form of drawback, given by Government to encourage the carrying trade, by which our merchants were led into unnecessary conflicts with foreign nations. He therefore submitted the following motion; which was read and ordered to lie for consideration:

"That a committee be appointed to consider the propriety of repealing so much of any act as allows a drawback of duties on goods, wares, and merchandise, exported out of the United States, and that such committee be instructed to report by bill or otherwise."

The Senate took into consideration the motion made yesterday for the appointment of a committee "to inquire into the expediency of allowing incorporated banks and insurance companies to take and sell ships and vessels without forfeiting the benefit of their registers, and that the said committee have leave to report by bill or otherwise;" and the motion was adopted; and Messrs. BAYARD, BRADLEY, and SMITH of Maryland, appointed the committee.

Mr. TRACY, from the committee to whom was recommitted the bill in addition to the act establishing a Mint, and regulating the coins of the United States, reported it without amendment, and the bill was considered and postponed.

The Senate took into consideration, as in Committee of the Whole, the bill, entitled "An act authorizing the President of the United States to accept the service of a number of volunteer companies, not exceeding 30,000 men," together with the report of the special committee thereon; and the President having reported the bill to the House without amendment, it was agreed that the further consideration thereof be postponed until to-morrow.

On motion, it was agreed, that the consideration of the bill, entitled "An act repealing the acts laying duties on salt, and continuing in force for a further time the first section of the act, entitled 'An act further to protect the commerce and seamen of the United States against the Barbary Powers," be the order of the day for Monday next.

The bill to regulate the summoning of grand jurors was read the third time, and passed.

FRIDAY, February 13.

Mr. ADAMS, from the committee to whom was referred the bill, entitled "An act further supplementary to the act, entitled 'An act concerning the District of Columbia," reported it without amendment. On the question, Shall this bill be read a third time? it was determined in the affirmative.

On motion, it was agreed, that the further consideration of the bill authorizing the sale and grant of a certain quantity of public land to the Chesapeake and Delaware Canal Company, be postponed until Monday next.

The Senate resumed, as in Committee of the Whole, the second reading of the bill, entitled "An act authorizing the President of the United States to accept the service of a number of volunteer companies, not exceeding 30,000 men;" and, on the question, Shall this bill be read a third time? it was determined in the affirmative.

Mr. WORTHINGTON, from the committee to whom was referred the bill, entitled "An act allowing an additional compensation to the judges of the Mississippi Territory, and extending the right of suffrage therein," reported amendments.

The Senate resumed the third reading of the bill, in addition to the act for establishing a Mint, and regulating the coins of the United States; and resolved that it pass.

A message from the House of Representatives informed the Senate that the House have passed the bill sent from the Senate for concurrence, entitled "An act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, in the year of our Lord 1808," with amendments, in which they request the concurrence of the Senate.

The amendments were read, and referred to Messrs. BRADLEY, GILES, and BALDWIN, to consider and report thereon.

MONDAY, February 16.

The VICE PRESIDENT being detained by the ill state of his health, the Senate adjourned soon after meeting.

TUESDAY, February 17.

Mr. BRADLEY, from the committee appointed on the 17th December last, "to inquire what further proceeding is necessary to carry into effect the provisions of an act, entitled 'An act to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same," made report; which was read, and ordered to lie for consideration.

The PRESIDENT communicated a letter from the honorable Mr. STONE, resigning his seat in the Senate; which was read.

Mr. LOGAN presented the memorial of Kinsey Johns and others, in behalf of the President and Directors of the Chesapeake and Delaware Canal Company, praying the aid of Congress in the prosecution of that undertaking, and referring to their former memorial on this subject; and the memorial was read, and ordered to lie for consideration.

Mr. BAYARD, from the committee appointed on the subject, reported a bill regulating the granting of registers in case of ships and vessels of the United States becoming the property of bank and insurance companies; which was read, and ordered to the second reading.

Mr. LOGAN, from the committee to whom was referred, on the 4th instant, the bill, entitled "An act to continue in force for a further time an act, entitled 'An act to suspend the commercial intercourse between the United States and certain parts of the island of St. Domingo," reported amendments; which were read, and ordered to lie for consideration.

Mr. BRADLEY, from the committee to whom were referred, on the 13th instant, the amendments of the House of Representatives to the bill, entitled "An act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, in the year of our Lord 1808;" made report: Whereupon,

Resolved, That the Senate agree to all the amendments to the said bill, except to the proviso added at the end of the eighth section, to which they disagree.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to extend the time for locating Virginia military warrants, and for returning the surveys thereon to the office of the Secretary for the Department of War;" a bill, entitled "An act for the relief of Stephen Sayre;" a bill, entitled "An act respecting seizures made under the authority of the United States, and for other purposes;" also, a bill, entitled "An act making appropriations for finishing the south wing of the Capitol, and for other purposes;" in which bills they request the concurrence of the Senate. They have passed the bill sent from the Senate, entitled 'An act establishing circuit courts, and abridging the jurisdiction of the district courts in the districts of Kentucky, Tennessee, and Ohio," with amendments, in which they request the concurrence of the Senate.

The four bills last brought up for concurrence were read, and ordered to the second reading.

Mr. GILES presented the petition of Sigismund Stribleing, a captain in the Virginia line of the late Continental army, stating that, through the mistake of the surveyor, he is deprived of a lot of land, disposed of in donations to the officers and soldiers in that line, and praying redress; and the petition was read, and ordered to lie for consideration.

The Senate proceeded to consider the amendments of the House of Representatives to the bill, entitled "An act establishing circuit courts, and abridging the jurisdiction of the district courts in the districts of Kentucky, Tennessee, and Ohio;" and they were referred to Messrs. WORTHINGTON, CLAY, and TURNER, to consider and report thereon.

The bill, entitled "An act authorizing the President of the United States to accept the service of a number of volunteer companies, not exceeding 30,000 men," was read the third time, and passed.

Mr. CLAY presented the petition of Reni Naw, praying to be allowed the drawback on certain goods exported from the city of New York, for reasons mentioned in the petition; which was read, and referred to Messrs. LOGAN, BRADLEY, and ADAMS, the committee to whom was referred, on the 12th instant, the memorial of sundry merchants of the city of Philadelphia, on the subject of drawbacks, to consider and report thereon.

The bill, entitled "An act further supplementary to the act, entitled 'An act concerning the District of Columbia," was read the third time, and passed.

The Senate resumed, as in Committee of the Whole, the second reading of the bill, entitled "An act repealing the acts laying duties on salt, and continuing in force, for a further time, the first section of the act, entitled 'An act further to protect the commerce and seamen of the United States against the Barbary Powers," together with the report of the special committee thereon; and, after debate, adjourned.

WEDNESDAY, February 18.

The credentials of the honorable JOHN SMITH, appointed a Senator of the United States for the State of New York, for the term of six years, commencing on the 4th day of March next, were presented and read.

Ordered, That they lie on file.

Mr. ADAMS, from the committee to whom was referred, on the 6th instant, the motion for a joint committee "to inquire whether the act passed April 18, 1806, has been duly enrolled," reported the motion amended.

Ordered, That it lie for consideration.

The bill, entitled "An act to extend the time for locating Virginia military warrants and for returning the surveys thereon to the office of the Secretary of the Department of War," was read the second time, and referred to Messrs. WORTHINGTON, CONDIT, and MOORE, the committee appointed on the 16th January last, "to inquire into the expediency of altering so much of an act of March 3, 1803, as relates to the lands allowed for the support of schools in the Virginia Military Reservation in the State of Ohio," to consider and report thereon.

Ordered, That the petition of Sigismund Stribleing, presented yesterday, be referred to the same committee.

The bill, entitled "An act making appropriations for finishing the south wing of the Capitol, and for other purposes," was read the second time, and referred to Messrs. BAYARD, BRADLEY, and MILLEDGE, to consider and report thereon.

The bill, entitled "An act respecting seizures made under the authority of the United States, and for other purposes," was read the second time, and referred to Messrs. MITCHILL, ADAMS, and SMITH, of Maryland, to consider and report thereon.

The bill, entitled "An act for the relief of Stephen Sayre," was read the second time, and referred to Messrs. BALDWIN, SUMTER, and TRACY, to consider and report thereon.

A message from the House of Representatives informed the Senate that the House have passed a joint resolution to publish the report and chart of the survey of the coast of North Carolina, in which they ask the concurrence of the Senate. They insist on their amendment, disagreed to by the Senate, to the bill, entitled "An act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States from and after the 1st day of January, in the year of our Lord 1808," ask a conference thereon, and have appointed managers on their part.

The Senate resumed, as in Committee of the Whole, the second reading of the bill, entitled "An act repealing the acts laying duties on salt, and continuing in force, for a further time, the first section of the act, entitled 'An act further to protect the commerce and seamen of the United States against the Barbary Powers,'" together with the report of the special committee thereon; and, after debate, the further consideration of this bill was postponed.

The Senate proceeded to consider the resolution of the House of Representatives, insisting on their ninth amendment to the bill, entitled "An act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, in the year of our Lord 1808," and requesting a conference on the subject-matter of the said amendment: Whereupon,

Resolved, That the Senate do agree to the conference requested, and that Messrs. BRADLEY, GILES, and GAILLARD, be the managers at the same on their part.

The joint resolution to publish the report and chart of the survey of the coast of North Carolina, sent from the House of Representatives, was read, and ordered to the second reading.

THURSDAY, February 19.

The joint resolution, sent from the House of Representatives, to publish the report and chart of the survey of the coast of North Carolina, was read the second time, and referred to Messrs. BRADLEY, SUMTER, and GILES, to consider and report thereon.

Mr. WORTHINGTON, from the committee to whom was referred the bill, entitled "An act to extend the time of locating Virginia military warrants, and for returning the surveys thereon to the office of the Secretary for the Department of War," reported amendments; which were read, and ordered to lie for consideration.

The Senate resumed, as in Committee of the Whole, the second reading of the bill, entitled "An act repealing the acts laying duties on salt, and continuing in force for a further time the first section of the act, entitled 'An act further to protect the commerce and seamen of the United States against the Barbary Powers," together with the report of the special committee thereon; which amendment is as follows:

"Section 1, line 2, strike out, after the word 'assembled,' the remainder of the first section, and the whole of the second section, and to the word 'that,' in the third section and first line."

And, on the question to agree to the said report, it was determined in the affirmative—yeas 17, nays 15, as follows:

YEAS—Messrs. Adams, Bayard, Bradley, Clay, Condit, Giles, Gilman, Mitchill, Pickering, Plumer, Smith of New York, Smith of Ohio, Smith of Tennessee, Smith of Vermont, Thruston, Tracy, and White.

NAYS—Messrs. Baldwin, Fenner, Gaillard, Hillhouse, Howland, Kitchel, Logan, Maclay, Milledge, Moore, Reed, Smith of Maryland, Sumter, Turner, and Worthington.

And the PRESIDENT reported to the House that the Committee of the Whole had agreed to sundry amendments; and, on motion, the further consideration of the bill was postponed.

The Senate resumed, as in Committee of the Whole, the second reading of the bill authorizing the sale and grant of a certain quantity of public land to the Chesapeake and Delaware Canal Company, and an amendment was submitted; and the further consideration of the bill postponed.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of
Representatives of the United States:

I transmit to Congress a letter from our Ministers Plenipotentiary at London, informing us that they have agreed, with the British Commissioners, to conclude a treaty on all the points which had formed the object of their negotiation, and on terms which they trusted we would approve.

Also, a letter from our Minister Plenipotentiary at Paris, covering one to him from the Minister of Marine of that Government, assuring him that the Imperial decree lately passed was not to affect our commerce, which would still be governed by the rules of the treaty established between the two countries.

Also, a letter from Cowles Mead, Secretary of the Mississippi Territory, acting as Governor, informing us that Aaron Burr had surrendered himself to the civil authority of that Territory.

TH. JEFFERSON.

FEBRUARY 19, 1807.

The Message and documents referred to were read, and 500 copies thereof ordered to be printed for the use of the Senate.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to continue in force for a further time an act, entitled 'An act to suspend the commercial intercourse between the United States and certain parts of the Island of St. Domingo," together with the amendments reported by the special committee; and the President having reported the bill amended, on motion, the further consideration thereof was postponed.

Mr. WORTHINGTON, from the committee to whom was referred the amendments of the House of Representatives to the bill, entitled "An act establishing circuit courts, and abridging the jurisdiction of the district courts of Kentucky, Tennessee, and Ohio," reported that the Senate agree thereto.

TENNESSEE LANDS.

The Senate resumed the consideration of the report of the committee, appointed on the 17th of December last, "to inquire what further proceeding is necessary to carry into effect the provisions of an act, entitled 'An act to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same;" which report is as follows:

"That, in the absence of the honorable Joseph Anderson, one of the Senators from the State of Tennessee, who has not attended Congress during the present session, the committee proceeded to examine the act of the State of Tennessee, entitled 'An act to appoint agents to settle the dispute existing between this State and the United States, relative to the vacant and unappropriated lands within this State, and to procure the relinquishment of the claim of the United States to the same,' passed November 14, 1801, and find that in and by said act the State of Tennessee did authorize their Senators and Representatives, or their successors, or a majority of them, to procure from the United States a relinquishment of their claim to the lands in the State of Tennessee, in such manner, and upon such terms, as to the said agents might seem proper; and being fully satisfied that the powers vested in the Senator and Representatives from the State of Tennessee, signers of the hereinafter recited instrument, are ample and sufficient to carry into effect, on the part of the State of Tennessee, the provisions of the aforesaid acts of Congress, the committee have received from them the following instrument, signed and sealed by them, respectively, to wit:

'*Be it remembered,* That we, the undersigned, Senator and Representatives in the Congress of the United States, from the State of Tennessee, do hereby make known, that, in pursuance of the power in us vested, by an act of the General Assembly of the State of Tennessee, entitled 'An act to appoint agents to settle the dispute between this State and the United States, relative to the vacant and unappropriated lands within this State, and to procure the relinquishment of the claim of the United States to the same, and by a resolution of the Senate and House of Representatives of the State of Tennessee, passed in the year 1802, as instructions therein: We do, in consideration of the provisions made in the act of Congress, entitled 'An act to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same,' for and in behalf of the State of Tennessee, agree and declare, that all right, title, and claim, which the State of Tennessee hath to the lands lying west and south of the following line, to wit: beginning at the place where the eastern or main branch of Elk river shall intersect the southern boundary line of the State of Tennessee; from thence, running due north, until said line shall intersect the northern or main branch of Duck river; thence, down the waters of Duck river, to the military boundary line, as established by the seventh section of the act of North Carolina, entitled 'An act for the relief of the officers and soldiers of the Continental line, and for other purposes,' passed in the year one thousand seven hundred and eighty-three; thence, with the military boundary line, west, to the place where it intersects the Tennessee river; thence, down the waters of the Tennessee river, to the place where the same intersects the northern boundary line of the State of Tennessee, shall hereafter forever cease; and the lands aforesaid, lying south and west of the line aforesaid, within the limits of the State of Tennessee, shall be and remain at the sole and entire disposition of the United States, and shall be exempted from every disposition or tax, made by order, or under the authority, of the State of Tennessee, while the same shall remain the property of the United States, and for the term of five years after the same shall be sold.

'In testimony whereof, we have hereunto signed our names, and affixed our seals.

'Done at the City of Washington, this twenty-third day of January, in the year of our Lord one thousand eight hundred and seven.

'DANIEL SMITH,
'WM. DICKSON,
'G. W. CAMPBELL,
'JOHN RHEA.

'In presence of
'Samuel A. Otis,
'*Secretary of the Senate of the United States.*
'John Beckley,
'*Clerk of the House of Representatives of the U. S.*"

"Whereupon,

"*Resolved,* That the Senate do approve of the aforesaid instrument, and order the same to be entered at large on the Journal; and the Secretary is hereby directed to cause the original instrument to be deposited in the office of the Secretary of State."

And the report was agreed to.

Friday, February 20.

Mr. Mitchill, from the committee to whom was referred, on the 18th instant, the bill from the House of Representatives, entitled "An act respecting seizures made under the authority of the United States, and for other purposes," reported the bill without amendment. On the question, Shall this bill be read a third time? it was determined in the affirmative.

The Senate proceeded to consider the report of the committee to whom were referred the amendments of the House of Representatives to the bill, entitled "An act establishing circuit courts, and abridging the jurisdiction of the district courts in the districts of Kentucky, Tennessee, and Ohio." Whereupon, the Senate concurred in the said amendments.

Mr. Bayard, from the committee to whom was referred the bill, entitled "An act making appropriations for finishing the south wing of the Capitol, and for other purposes," reported amendments; which were read and ordered to lie for consideration.

The Senate resumed, as in Committee of the Whole, the second reading of the bill from the House of Representatives, entitled "An act to continue in force for a further time an act, entitled 'An act to suspend the commercial intercourse between the United States and certain parts of the Island of St. Domingo," together with the report of the special committee thereon; and the President having reported the bill to the House amended, on the question, "Shall this bill be read a third time as amended?" it was determined in the affirmative.

The Senate resumed, as in Committee of the Whole, the report of the special committee on the bill sent from the House of Representatives, entitled "An act to extend the time for locating Virginia military warrants, and for returning the surveys thereon to the office of the Secretary for the

Department of War;" and the President reported the bill to the House amended accordingly; on the question, Shall this bill be read a third time as amended?" it was determined in the affirmative.

The Senate resumed the second reading of the bill sent from the House of Representatives, entitled "An act repealing the acts laying duties on salt, and continuing in force for a further time the first section of the act, entitled 'An act further to protect the commerce and seamen of the United States against the Barbary Powers,'" as yesterday reported to have been amended as in Committee of the Whole; and on motion, to agree to the amendments adopted yesterday in the Committee of the Whole, as follows:

"Sec. 1, line 2, strike out after the word 'assembled,' the remainder of the first section, and the whole of the second section, and the word 'that,' in the third section and first line:"

It was determined in the affirmative—yeas 15, nays 14, as follows:

YEAS—Messrs. Adams, Bayard, Bradley, Clay, Condit, Giles, Gilman, Mitchill, Pickering, Plumer, Smith of New York, Smith of Ohio, Smith of Tennessee, Smith of Vermont, and White.

NAYS—Messrs. Baldwin, Fenner, Gaillard, Hillhouse, Howland, Kitchel, Logan, Maclay, Milledge, Moore, Reed, Sumter, Turner, and Worthington.

And it was agreed to amend the first section, by inserting, after the word "assembled," "That, from and after the first day of July next, the act, entitled 'An act laying an additional duty on salt imported into the United States, and for other purposes,' passed the 8th day of July, 1797, shall be, and the same hereby is, repealed;" also, to amend the third section, by expunging the words, "end of the next session of Congress," and inserting "31st day of December next."

On motion, by Mr. KITCHEL, to add a new section, as follows:

"SEC. — *And be it further enacted*, That, from and after the first day of January next, so much of any act as lays a duty on imported salt, and allows a bounty on exported salted provisions and pickled fish, in lieu of drawback of the duties on the salt employed in curing the same, and so much of any act as makes allowance to the owners and crews of fishing vessels, in lieu of drawback of the duties paid on the salt used by the same, shall be, and the same hereby is, repealed:"

It was determined in the negative—yeas 13, nays 14, as follows:

YEAS—Messrs. Bradley, Condit, Fenner, Howland, Kitchel, Logan, Maclay, Milledge, Moore, Reed, Smith of Vermont, Turner and Worthington.

NAYS—Messrs. Adams, Bayard, Clay, Giles, Gilman, Hillhouse, Mitchill, Pickering, Plumer, Smith of New York, Smith of Ohio, Smith of Tennessee, Sumter, and White.

And, on the question, Shall this bill be read a third time as amended? it was determined in the affirmative—yeas 16, nays 13, as follows:

YEAS—Messrs. Bradley, Clay, Condit, Fenner, Giles, Howland, Kitchel, Logan, Maclay, Milledge, Mitchill, Moore, Reed, Smith of Tennessee, Smith of Vermont, and Worthington.

NAYS—Messrs. Adams, Baldwin, Bayard, Gaillard, Gilman, Hillhouse, Pickering, Plumer, Smith of New York, Smith of Ohio, Sumter, Turner, and White.

Mr. CLAY submitted the following motion for consideration:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, That the following article be proposed to the Legislatures of the several States, which, when ratified by three-fourths thereof, shall be valid, as part of the Constitution of the said United States:

"ART. XIII. The judicial power of the United States shall not be construed to extend to controversies between citizens of different States; between citizens of the same State claiming lands under grants of different States; nor between a State or the citizens thereof, and foreign States, citizens, or subjects."

The second reading of the bill regulating the granting of registers, in case of ships or vessels of the United States becoming the property of bank and insurance companies, was resumed; and on the question, Shall this bill be engrossed and read a third time? it was determined in the affirmative.

The Senate resumed, as in Committee of the Whole, the bill sent from the House of Representatives, entitled "An act allowing an additional compensation to the judges of the Mississippi Territory, and extending the right of suffrage therein," together with the report of the special committee; and, after debate, adjourned.

MONDAY, February 23.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act supplementary to the act, entitled "An act regulating the grants of land appropriated for the refugees from the British provinces of Canada and Nova Scotia;" a bill, entitled "An act for the relief of Daniel S. Dexter;" also, a bill, entitled "An act respecting claims to land in the Territories of Orleans and Louisiana;" in which bills they ask the concurrence of the Senate. They have passed the bill sent from the Senate, entitled "An act to punish frauds committed on the Bank of the United States," with amendments; in which they request the concurrence of the Senate.

The three bills last brought up for concurrence were read, and ordered to the second reading.

Mr. CLAY presented the memorial of Henry Cary Gist, and others, stating that they have discovered a valuable lead mine on land belonging to the United States, in the Territory of Indiana bordering on the river Ohio; and praying the exclusive right of opening and occupying the said mine for a limited time, on terms that may be advantageous to the Government, and, in consideration of their discovery, beneficial to themselves; and the memorial was read, and referred to Messrs. CLAY, BRADLEY, and LOGAN, to consider and report thereon.

The Senate took into consideration the amendments of the House of Representatives to the bill, entitled "An act to punish frauds committed on the Bank of the United States;" and agreed thereto.

The bill from the House of Representatives, entitled "An act respecting claims to land in the Territories of Orleans and Louisiana," was, by unanimous consent, read the second time, and referred to Messrs. WORTHINGTON, GILES, and MITCHILL, to consider and report thereon.

Mr. MITCHILL presented the memorial of James Creighton, stating that his son, James Creighton, junior, shipped certain articles of merchandise, entitled to drawback, on board the brigantine called the Penelope, bound from the port of New York to the Havana, in the month of October last; and praying to be allowed the drawback, notwithstanding the casual omission of the legal formalities requisite to entitle him thereto; and the memorial was read and ordered to lie on the table.

The Senate resumed, as in Committee of the Whole, the second reading of the bill, entitled "An act allowing an additional compensation to the Judges of the Missisipi Territory, and extending the right of suffrage therein:" and the President having reported the bill to the House amended, on the question, Shall this bill be read the third time as amended? it was determined in the affirmative.

The bill from the House of Representatives, entitled "An act to continue in force, for a further time, an act, entitled 'An act to suspend the commercial intercourse between the United States and certain parts of the island of St. Domingo," was read the third time as amended, and passed.

The bill regulating the granting of registers, in case of ships or vessels of the United States becoming the property of bank and insurance companies, was read the third time and passed.

The bill from the House of Representatives, entitled "An act to extend the time for locating Virginia military warrants, and for returning the surveys thereon to the office of the Secretary of the Department of War," was read the third time as amended, and passed.

The bill from the House of Representatives, entitled "An act respecting seizures made under the authority of the United States, and for other purposes," was read the third time and passed.

The Senate resumed, as in Committee of the Whole, the second reading of the bill authorizing the sale and grant of a certain quantity of public land to the Chesapeake and Delaware Canal Company; and the PRESIDENT reported the bill to the Senate without amendment.

On motion, by Mr. SMITH, of Maryland, to adopt a new section, to be made the 5th section, it was determined in the negative.

On motion, by Mr. ADAMS, to postpone the bill, for the purpose of considering the following resolution:

Resolved, That the Secretary of the Treasury be directed to prepare, and report to the Senate at their next session, a plan for the application of such means as are constitutionally within the power of Congress, to the purposes of opening roads, for removing obstructions in rivers, and making canals; together with a statement of the undertakings of that nature now existing within the United States, which, as objects of public improvement, may require and deserve the aid of Government:

It passed in the negative, and the further consideration of the bill was postponed until to-morrow.

TUESDAY, February 24.

Mr. BRADLEY, from the committee to whom was referred, on the 19th instant, the joint resolution sent from the House of Representatives, to publish the report and chart of the survey of the coast of North Carolina, reported it with amendments.

The President laid before the Senate sundry resolutions of the Legislative Council and House of Representatives of the Mississippi Territory, stating "That they are attached in the highest 'degree to the Constitution of the United States, 'and have the utmost confidence in the wisdom 'and virtue of the Chief Magistrate; and that 'every project of the ambitious and enterprising 'to dissever the Union, and to usurp the prerogative of Government, will always excite their 'honest indignation;" and exhibiting to Congress the measures, in their opinion, the most conducive to the defence of the frontiers of the United States; and the resolutions were read.

Mr. SUMTER, from the committee to whom was referred the bill, entitled "An act for the relief of Stephen Sayre," reported it without amendment.

Mr. LOGAN, from the committee to whom was referred, on the 17th instant, the petition of Reni Naw, reported that the prayer of the petition ought not to be granted.

Mr. LOGAN, also, from the committee to whom was referred, on the 12th February, the memorial of sundry merchants of Philadelphia, praying the benefit of drawback on certain articles exported, for reasons mentioned in their petition, reported that the said memorial be referred to the Secretary of the Treasury, to examine the merits of the individual claims of the petitioners; and that he report the same to the Senate at their next session.

Mr. SMITH, of Vermont, presented the petition of the inhabitants of the city of Washington, signed James Hoban, chairman, praying an alteration in "The act to incorporate the inhabitants of the city of Washington, in the District of Columbia," passed 3d May, 1802, so as that each ward may have the privilege of electing its own representatives; and the petition was read, and referred to Messrs. SMITH, of Vermont, ADAMS, and REED, to consider and report thereon.

Mr. WORTHINGTON, from the committee to whom the subject was referred, on the 5th instant, asked and obtained leave to report a bill making a further appropriation towards defraying the expense of a road from Cumberland, in the State of Maryland, to the State of Ohio; which was read, and ordered to the second reading.

Mr. WORTHINGTON, from the committee appointed on the 16th January last, to inquire into the expediency of altering so much of an act of March 3d, 1803, as relates to the lands allowed for the support of schools in the Virginia military reservation, reported that a bill had passed embracing this subject. Whereupon,

Ordered, That this committee be discharged from the further consideration thereof.

The bill from the House of Representatives, entitled "An act supplementary to the act, entitled 'An act regulating the grants of land appropriated for the refugees from the British provinces of Canada and Nova Scotia," was read the second time and referred to Messrs. TRACY, BRADLEY, and ADAMS, to consider and report thereon.

The bill from the House of Representatives, entitled "An act for the relief of Daniel S. Dexter," was read the second time, and referred to Messrs. MITCHILL, TURNER, and BRADLEY, to consider and report thereon.

The bill fron the House of Representatives, entitled "An act for repealing the acts laying duties on salt, and continuing in force, for a further time, the first section of the act, entitled 'An act further to protect the commerce and seamen of the United States against the Barbary Powers," was read the third time; and on motion, its further consideration postponed until 12 o'clock to-morrow.

The bill from the House of Representatives, entitled "An act allowing an additional compensation to the judges of the Mississippi Territory, and extending the right of suffrage therein," was read the third time as amended.

Resolved, That this bill pass with amendments.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act making further appropriations for fortifying the ports and harbors of the United States, and for building gunboats; also, a bill, entitled "An act in addition to the act, entitled 'An act supplementary to the act, entitled 'An act making provision for the redemption of the whole of the public debt of the United States;" in which bills they request the concurrence of the Senate.

The two bills last brought up for concurrence were read, and ordered to the second reading.

Mr. CLAY, from the committee to whom was referred, on the 14th of January last, the motion to appropriate a quantity of land, at a fair cash valuation, towards the opening of the canal proposed to be cut at the Rapids of the Ohio, on the Kentucky shore, made report; which was read, and, ordered to lie for consideration.

Mr. BRADLEY, from the managers at the conference on the disagreeing votes of the two Houses, on the bill, entitled "An act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, in the year of our Lord 1808," made report; which was read, and ordered to lie for consideration.

CHESAPEAKE AND DELAWARE CANAL.

The Senate again resumed, as in Committee of the Whole, the second reading of the bill authorizing the sale and grant of a certain quantity of public land to the Chesapeake and Delaware Canal Company; and the President having reported the bill to the House amended—

Mr. WHITE addressed the Chair as follows:

Mr. President: I had hoped this question would have been decided last evening, and the discussion closed in that stage of it. I am sure the Senate must be fatigued with the subject; it is therefore with extreme reluctance that I rise at this late period of the debate to reply to the observations of the gentleman from Massachusetts before me, (Mr. ADAMS,) who has just sat down, especially after the field of argument has been so attentively and closely gleaned by my colleague. The gentleman was pleased to commence by charging us with precipitating this measure through the Senate. But is this the fact, sir? On the contrary, it was before Congress during the greater part of the last session; a very detailed and lucid memorial accompanied by numerous documents was then presented in relation to it; upon which a committee of this House, after full investigation, reported a resolution favorable to the measure, supported by their reasons, and a strong statement of facts. These documents were all printed and laid upon the table of every gentleman, and then it will be remembered that in order to give further time for consideration, so as to avoid the very cause of complaint now made, the friends of the project themselves moved its postponement to the present session. A second memorial from the Managers has been received this session on the same subject, followed by a second favorable report from another committee of the Senate; the printed bill itself, now under consideration, has been before us near four weeks, and yet the gentleman from Massachusetts, with all these facts staring him in the face, talks of our precipitating this measure. I may safely trust the force and correctness of this argument to the recollection of the Senate alone. But the gentleman has referred us to a similar project before the Senate for a canal at the Falls of Ohio, and tells us that three States are immediately interested in that, three likewise in this, and that consequently twelve members on this floor feel the same particular influence. The gentleman certainly did not mean to intimate that any private understanding had taken place among the supporters of these respective measures, in relation to them, or that they were capable of any such conduct. That gentlemen from different States should be found supporting similar measures of public utility, is not surely wonderful; and although the States they particularly represent may happen to be most immediately interested in their success, yet no man of honor himself, could on this account suspect them of improper motives, or attribute their coincidence of opinion to any other cause than the honest, unbiassed convictions of their own minds, and a view to the public good. The extreme case stated by the gentleman, of the nine States that have now a majority in Congress, combining to divide the public lands, and public treasures among them, could probably never have suggested itself to the mind of any member. Sir, if the oaths and political responsibility imposed by the Constitution were not sufficient the integrity, the virtue, and the honor of the Representatives of the nation, should forever preclude, even the idea of such a possibility. If you suppose all men treacherous and corrupt, what barriers, I ask, can you oppose to them, that they may not trample under foot? Such arguments are calculated only to sap and destroy that faith and confidence among men, so essential in all the relative situations of life; to inspire universal distrust and jealousy, and to sever the strongest bonds of political and civil society. We are willing, sir, that the measure we now propose, let it stand or fall, should be judged by its own merits. Every gentleman, who will cast his eye over our map, must see, more distinctly than argument can illustrate, the magnitude and importance of the project, and a moment's attention to the plan will be sufficient to convince them of the heavy expense necessarily attendant upon such an undertaking.

The canal is contemplated to be of depth and capacity sufficient for the navigation of vessels suitably constructed, of from 70 to 100 tons burden and more, so as to afford a safe and expeditious inland water transportation to all of what now composes the coasting trade between Philadelphia and Baltimore, free from the danger and expense of a circuitous and coastwise voyage of more than 300 miles. To the whole extent of fertile and populous country upon the Chesapeake and the Delaware, and their tributary streams, including part of North Carolina, the States of Virginia, Maryland, Pennsylvania, Delaware, and New Jersey, it will give a choice of the markets of these two great rival cities, by rendering them each easily accessible to the commerce of either bay; which must unavoidably excite a competition between them infinitely desirable, especially to the agricultural interest: for to those who have any acquaintance with the business of these two places, must be well known the immense and unaccountable difference frequently experienced in their respective markets between the prices of the same articles of produce at the same time. And another grievance, more particularly complained of by those upon the waters of the Chesapeake, is the frequent, the sudden, and arbitrary fluctuations of the Baltimore market; to which the farmer is obliged to submit for want of an alternative, and which probably the opportunity of a choice alone might be sufficient to correct. The chief operation, as it appears to me, that the canal could have upon Baltimore, would be to keep her up to the standard of the Philadelphia market, and it would have the further effect of keeping them both up to the standard justified by the market abroad. All the heavy produce of the immense and fertile country watered by the Susquehannah, that must otherwise remain almost exclusively at the command of Baltimore, and nearly upon her own terms, over a canal might find a cheap and safe water transportation to Philadelphia. The very boats that now descend that river from the Painted Post, in the State of New York, more than three hundred miles up, with the produce of the country, could unlade their cargoes at the wharves of Philadelphia, because they would leave the Chesapeake, and enter the Delaware at points safely navigable at all times for such craft. It forms however, sir, no part of this plan to force this commerce, as has been intimated, to Philadelphia, or by any unfair means to divert it from Baltimore, or in any manner to injure Baltimore; but merely to give to those people an opportunity of choosing for themselves, between these two markets, the one most convenient and profitable to them. And in this aspect it is to be observed, that the present question turns not between Baltimore and Philadelphia, but between Baltimore and the whole extent of country upon the Susquehannah and other waters of the Chesapeake; whether that country shall be confined exclusively to the market of Baltimore, or have an opportunity of choosing between that and Philadelphia. And admitting, Mr. President, that the canal was now completed, yet the situation of Baltimore being still more convenient to this produce than that of Philadelphia, she might still command it with the same prices current, and this is what those who resort to her market have a right to demand. Her capital may possibly be equal to such a competition; the industry and enterprise of her citizens, I know are not surpassed by any on the continent. There is no city in the Union I should be more unwilling to see retarded in her progress to wealth and greatness than Baltimore; but surely, sir, the interests of half a million of people are not to be delayed, or sacrificed to hasten the premature growth of any particular city.

Again, Mr. President, it is well known that many extensive manufactories, in metals especially, have been established in and about Philadelphia, Wilmington, Trenton, and other towns upon the Delaware; coal is the very basis of those manufactures; none has yet been discovered in that country, and although Virginia could of herself furnish a sufficiency for the continent, yet, owing to the difficulties and expense of transporting it around by sea in coasting vessels, the Liverpool coal now holds a successful competition with it in those markets. In these respects, and as an article of common fuel, if it could be had upon the reasonable terms this inland navigation must produce, the demand for it would be infinitely increased, and the most important manufactures of our country be greatly encouraged and improved.

Sir, it is now proposed to you to extend the patronage of Government, in a manner that can never be felt by the public, to aid in the execution of the most important national improvement ever attempted in our country—an improvement connecting two of our most extensive and commercial waters, opening of itself a commodious inland navigation to vessels of considerable burden for an extent of more than four hundred miles through the centre of the Middle States, from Norfolk, or rather from Cape Henry, to Trenton, an improvement that, although consisting only in opening a passage of about twenty miles across the isthmus, must save to all the commerce of the Susquehannah and the Delaware, inclined to seek the market of the other bay, near five hundred miles perilous navigation. And admitting that Virginia, Maryland, Pennsylvania, Delaware, and New Jersey, composed the only portion of the Union that could ever be expected to derive the least possible advantage from the work, surely considering the millions that have been expended in the defence of our frontiers, in the extinguishment of Indian titles, and in the acquirement of unsettled countries, part of which they have cheerfully borne, the accommodation now asked, to every reasonable man—I beg pardon, except the gentleman from Massachusetts before me (Mr. ADAMS)—must appear most just and reasonable indeed. I will here, sir, take leave to express my pleasure, and to congratulate the cis-montain friends of the present measure, upon the prompt, the frank, and liberal conduct evinced in favor of this great public improvement in the Atlantic States, by those gentlemen who so ably represent here the interests of the western country. But, Mr. President, these private advantages, if they may be so called, that I have thus hastily and desultorily enumerated, are small, indeed, when compared to the great public utility to be expected to the Union, from the proposed work. This canal, as has been well observed by my colleague, is the first and most important link in the chain of internal navigation by which nature has designed this great confederacy of States to be cemented; the second, in point of importance, is that through Jersey from the Delaware to Amboy, or the waters of the Raritan. Then I ask you, sir, to look at the geography of your country, when the canals from the Mohawk to the waters of Oneida lake—where one is, I believe, now nearly, if not quite, completed, from the Hudson to the waters falling into lake Champlain, for which an act of the Legislature has been obtained—from Buzzard's to Boston bay, long since in contemplation, shall be carried into execution in the northern and eastern extremities of the Union; and that from Elizabeth river, in Virginia, through the Dismal Swamp, to Albemarle and Pamlico Sounds, aided by the various inlets—and very little more work in the southern extremity—we shall have a complete inland navigation from the Savannah river to the Lakes, even to Quebec; embracing the whole of the Atlantic States, and passing an extent of more than a thousand miles through our own country. Is this a subject of small consideration? I answer, confidently, no—at least to no other gentleman than the member from Massachusetts; and the case of any internal local State improvement of this kind, such as the one in Massachusetts, cited by the gentleman, in order to mar and destroy this, however entitled to the wishes and patronage of the public, cannot compare, in points of national importance, with the one we now propose.

In case of war, and God knows if we attend to the recent occurrences of our country, and contemplate the portentous events passing in the old world, we have little reason to suppose that we, even for our own short day, can be permitted to fold our arms in peace, and to indulge in slumbers of ease and safety; in the prospect of such an hour of calamity, I ask, what gentleman that hears does not anticipate me, and congratulate himself and his country upon the power he now holds, upon the means and opportunity now offered him, of facilitating the execution of a great public work, from which the most important national advantages could not fail to arise? You, sir, who, so usefully to your country, and so honorably to yourself, acquired your long and arduous experience in the active and turbulent scenes of the Revolution, must feel how incompetent I am to do justice to this part of the subject. You know well, Mr. President, the promptitude and force with which an army of observation posted upon the banks of the proposed canal, by means of that canal, could strike at any point within the whole extent of the navigable waters of the Chesapeake and the Delaware; and it could not have escaped your attention, sir, that on its very shore nature has placed, and bound with iron, a mountain, commanding the course of the canal for miles, and capable of being rendered as impregnable to an enemy as any inland situation on the Atlantic part of the Middle States. This convenient and commanding position requires only the aid of the proposed canal to force itself irresistibly upon the mind of every gentleman who will cast his eye over the map, as the very spot of all others in the Middle States best calculated to become a grand depot of arms, provisions, and military stores, in time of war. The whole peninsula presents to its front, on one extended fertile plain, an inexhaustible granary of provision; on every other side it is surrounded by a difficult, irregular country, and almost inaccessible heights, all of which it commands, and all of which, by suitable improvements, might be rendered subservient to its support. My colleague stated, I think, the facility and safety to be derived from such an inland navigation in time of war, in the transportation of troops, arms, provisions, and other military stores, and the advantages especially such a mode of conveyance would have been to the American army on their march to Yorktown; when the length of time unavoidably occupied in passing with their heavy ordnance, provisions, and baggage, this very ground—in preparing a second fleet of transports upon the Chesapeake—in debarking upon one water, and embarking upon another—might have disappointed the most glorious enterprise in the annals of the Revolution, and protracted for years the war, with all its vices, its calamities, and its expense. Sir, one of the principal modes of national defence upon which we now chiefly rely, and are providing at great expense, renders of itself this measure almost indispensable. Your gunboats might then become doubly useful in case of a foreign attack directed against the Chesapeake or the Delaware, as probable points as any other; the same squadron, by means of the canal, could operate with equal facility upon either bay, without encountering the dangers of the sea, or an enemy upon the coast. This measure must, in fact, be considered a part, and a most important part, of the same system of internal national defence; it belongs as much to the defence of the country as any fortification, battery, frigate, or gunboat, in it.

The whole amount of what we now ask to complete this great public work, even if requested as a gratuity, would not be sufficient to build and equip for sea one single ship-of-the-line, or two frigates, and yet, give me leave to say, that in time of war, to all useful purposes, this canal would be a fleet to you; fleets soon decay, but this grand and useful work would become the invaluable inheritance of posterity, as long as the inscrutable dispensations of Heaven shall permit the continent itself to hold its place.

Let us now, Mr. President, attend for a moment to the lessons of experience on this subject. In Ireland we know that, during a late invasion by the French, an army of ten thousand men completely equipped for the field was transported, to meet the invaders, by means of a canal, sixty miles in ten hours, three days' long march, and then another would probably have been necessary, to rest and prepare them for action. In England, so strong is the public sentiment on this point, that a canal has been, or is now constructing, from London to the coast of Kent, for the express purpose of aiding the national defence in case of invasion. And at the same time that canals are themselves easily defensible at all points by a very inferior force, they are perhaps the only means of defence that, falling into the hands of an enemy, cannot be turned successfully against the country, because readily liable to be rendered useless in various ways, without any permanent injury to the work. I shall not dwell, Mr. President, upon the great advantages to be expected from the measure proposed, to the commercial and manufacturing as well as to the agricultural interest; in countries where such improvements are carried on to the highest point, they all flourish most. Every gentleman here knows the great difference of expense between land and water carriage. It is stated, among other things, in the memorial of the petitioners, to which I am much indebted, that the freight of a ton, of forty cubic feet, from Europe, will generally not more than pay its land transportation thirty miles; so that the same article may cost nearly as much in land carriage across the Isthmus as in freight across the ocean; yet, sir, a very considerable commerce is now carried on in this way; some of the most commodious vessels on the continent, of their kind, as many gentlemen here know, are actively employed in it; these, with the utmost facility, would pass the canal, and their numbers and business be infinitely increased. Sir, if any object of internal improvement ever can claim the public patronage—and, with great submission, this appears to me to be one of the chief ends of government—it is the very one we now offer; we challenge a comparison with any other that can be proposed, from Maine to Georgia. And we make this appeal to the justice, the liberality, and patriotism of the Government, with the greater confidence, because, we know that in other and older countries, works of such great public utility have never been left to the feeble efforts of private individuals. In Holland, their numerous canals are all constructed and supported at the public expense. In France, the two great canals of Briaire and Languedoc remain the most lasting and useful monument of the respective monarchs that founded them. And shall we, sir, refuse the little aid proposed by this bill, to a company of patriotic individuals, who, to their infinite honor, have attempted a similar improvement in our own country? And who, after expending more than an hundred thousand dollars of private capital upon the work, we see sinking in despondency, and spiritless under the magnitude of the undertaking and the pressure of the expense? No, sir—no such contracted, miserable sentiment can influence this body. I know too well their warm and zealous attachment to the public good. This Senate will never surrender the character of the nation to the just sarcasms of every foreigner, who, in passing the country a few years hence, must see all that part of this great public work already completed in a pile of ruins, unless the aid proposed be granted. The gentleman from Massachusetts before me, (Mr. ADAMS,) has complained of our adducing upon the floor of the Senate the opinions of the Secretary of the Treasury in our favor. Sir, it became necessary to consult that officer both as to the funds and the best mode of applying them, and the liberality of his sentiments on this subject do him honor; no eulogy of mine can heighten them. I wish the gentleman from Massachusetts himself was sometimes capable of being influenced by such. And notwithstanding the doubts that have been suggested, as to the practicability of the scheme now proposed, this is reduced to a moral certainty, as must be obvious to every gentleman who has seen, or will hear and believe anything in relation to the ground over which the canal is to pass: In its whole course there are no mountains to perforate, no rocks to blow, no morasses to embank, no rivers over which to pass aqueducts, but mere plain digging through a level country of clay. And although the gentleman from Maryland (Mr. SMITH) was pleased to tell us of the impossibility of forming even a rational conjecture as to the probable expense of so great an undertaking, yet sir, give me leave to tell that gentleman, and this Senate, that the managers having progressed thus far upon contracts by the square yard, are thence able to ascertain almost to a certainty the probable expense of the work before them, upon the same mathematical principle that a mechanic who had built a room twenty feet square would be able to calculate from that what would be the cost of another of thirty or forty feet square, constructed in the same manner, and of the same materials. Upon this datum is founded the calculation they have submitted to you; and, without disparagement to any others, I will here say, that no citizens of the United States are more justly entitled to your confidence. Now let me ask, Mr. President, what better disposition you could make of a small portion of your vacant lands than by applying it to aid in the execution of this great public improvement? We do not wish them for nothing, but offer you in stock the full amount of their legal price. Your object is to sell; and I am well instructed that the Government consider themselves as holding near three hundred millions of acres on this side the Mississippi, on the other side a world of unknown acres; more, vastly more, permit me to suggest, viewing the uncertainty of all human establishments, than they may ever have an opportunity of selling, at least for centuries to come, barring all accident. Why not then apply some of them now to the improvement of the country? The passing of this law will not occasion the selling a single acre less, whilst the appropriation we ask of these lands, at the same time that it must yield a great and immediate benefit to the country, will, I have no doubt, be in the end profitable to the country. For these reasons, and for others that have been assigned, I hope the Senate will approve the measure and pass the bill.

The question was then taken on the postponement of the bill to the next session of Congress, and was decided in the affirmative.

WEDNESDAY, February 25.

The bill from the House of Representatives, entitled "An act in addition to the act, entitled 'An act supplementary to the act, entitled 'An act making provision for the redemption of the whole of the public debt of the United States,'" was read the second time and referred to Messrs. GILES, ADAMS, and SMITH, of Maryland, to consider and report thereon.

The bill from the House of Representatives, entitled "An act making further appropriations for fortifying the ports and harbors of the United States, and for building gunboats," was read the second time and referred to Messrs. BRADLEY, TRACY, and MACLAY, to consider and report theron.

The bill making a further appropriation towards defraying the expense of a road from Cumberland, in the State of Maryland, to the State of Ohio, was read the second time. On the question, Shall this bill be engrossed and read the third time? it was determined in the affirmative.

The Senate took into consideration the report of the conferees on the disagreeing votes of the two Houses on the bill from the House of Representatives, entitled "An act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, in the year of our Lord 1808," which is as follows:

"That, having met the conferees on the part of the House of Representatives, they have mutually agreed, in conference, to recommend to pass the bill with the proviso at the end of the 8th section, amended as follows, to wit:

Provided however, That nothing in this section shall extend to prohibit the taking on board, or transporting on any river, or inland bay of the sea, within the jurisdiction of the United States, any negro, mulatto, or person of color, (not imported contrary to the provisions of ths act,) in any vessel or species of craft whatever." And, also, to amend the 8th section, by striking out the word "fifty," and insert in lieu thereof "forty;' and in the second line strike out the words "as a slave, or," and insert in lieu thereof "to be."

And in section 9, line 1, strike out "fifty," and insert "forty."

And also in section 10, line 1, strike out "fifty," and insert "forty."

And the report was adopted.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act authorizing the settlement of the accounts between the United States and William Eaton;" also, a bill, entitled "An act providing for the payment of the expense incurred by the military preparations for the defence of the Territory of Michigan against hostile Indians, in the year 1806; in which bills they desire the concurrence of the Senate. They agree to some and disagree to other amendments of the Senate to the bill, entitled "An act to extend the time for locating Virginia military warrants, and for returning the surveys thereon to the office of the Secretary of the Department of War."

The two bills first mentioned in the message from the House of Representatives were read, and ordered to the second reading.

The Senate took into consideration the resolution of the House of Representatives agreeing to some and disagreeing to other amendments of the Senate to the bill last mentioned in the message.

Resolved, That they insist on their amendments disagreed to by the House of Representatives to the said bill.

The Senate resumed the third reading of the bill, from the House of Representatives, entitled "An act repealing the acts laying duties on salt, and continuing in force for a further time the first section of the act, entitled "An act further to protect the commerce and seamen of the United States against the Barbary Powers; and on the question, Shall this bill pass as amended? it was determined in the affirmative—yeas 15, nays 12, as follows:

YEAS—Messrs. Bradley, Condit, Giles, Howland, Kitchel, Logan, Maclay, Milledge, Moore, Reed, Smith of Maryland, Smith of Tennessee, Smith of Vermont, Thruston, and Worthington.

NAYS—Messrs. Adams, Bayard, Gilman, Hillhouse, Mitchill, Pickering, Plumer, Smith of New York, Sumter, Tracy, Turner, and White.

And the title was amended, as follows: "An act repealing an act laying a duty on salt, and continuing in force for a further time the first section of the act, entitled an act further to protect the commerce and seamen of the United States against the Barbary Powers."

The following motion was submitted for consideration by Mr. WORTHINGTON:

Resolved, That the Secretary of the Treasury be directed to report to the Senate, at their next session, the best information he can acquire as to the usefulness, the practicability, and probable expense of the canal contemplated between the waters of the Chesapeake and Delaware, from Elk river to Christiana creek, with his own opinion and reasons thereon; and a plan or plans for the application of such means as may be most convenient to the Government, and within the power of Congress, to aid in carrying into execution the same;

and whether the route adopted by the Chesapeake and Delaware Canal Company be the most eligible communication between the waters of the two bays; and, likewise, his opinion generally on the practicability of an inland navigation between the southern and northern extremities of the United States.

The Senate resumed the report of the Committee, made on the 18th instant, on the motion to inquire whether the act passed April 18th, 1806, was correctly enrolled; and agreed to the report, as follows: Strike out, near the end of the motion, after the word "therein," these words: "to report the same, and what measures may be expedient to correct the said error," and insert "whether any measure has become necessary in consequence thereof;" and on the question to agree to the motion, amended as follows:

Resolved, That a committee of the Senate be appointed, jointly with such committee as may be appointed on the part of the House of Representatives, to inquire whether the act passed April 18, 1806, entitled "An act to repeal so much of any act or acts as authorize the receipt of evidences of the public debt in payment for the lands of the United States, and for other purposes, relative to the public debt," was enrolled as the same passed the two Houses of Congress; and, if any error hath occurred therein, whether any measure has become necessary in consequence thereof:

It was determined in the affirmative.

The Senate took into consideration, as in Committee of the Whole, the amendments reported to the joint resolution from the House of Representatives, to publish the report and chart of the survey of the coast of North Carolina, and agreed thereto; and the President having reported the resolution to the House amended accordingly, on the question, Shall this resolution be read the third time as amended? it was determined in the affirmative.

The Senate took into consideration, as in Committee of the Whole, the amendments reported by the special committee to the bill sent from the House of Representatives, entitled "An act making appropriations for finishing the south wing of the Capitol, and for other purposes," and agreed in part thereto; and the President having reported the bill to the House amended, on motion, the further consideration of this bill was postponed until to-morrow.

Mr. MITCHILL presented the petition of the inhabitants of the city of New York, stating the exposed and defenceless situation of that city, and praying that their harbor may be placed in a state of permanent and adequate defence; and the petition was read and referred to a committee this day appointed on a bill from the House of Representatives on the subject of defence.

THURSDAY, February 26.

The joint resolution for publishing the chart of the survey of the coast of North Carolina was read the third time, as amended, and passed.

The bill sent from the House of Representatives, entitled "An act providing for the payment of the expense incurred by the military preparations for the defence of the Territory of Michigan against the hostile Indians, in the year 1806," was read the second time, and referred to Messrs. TRACY, WORTHINGTON, and ADAMS.

The bill sent from the House of Representatives, entitled "An act authorizing the settlement of the accounts between the United States and William Eaton," was read the second time, and referred to Messrs. BRADLEY, GILES, and SUMTER, to consider and report thereon.

The Senate took into consideration the motion made on the 20th instant, to amend the Constitution of the United States, by adding a thirteenth article, respecting the judicial power thereof; and the further consideration of this motion was postponed until the next session of Congress.

The Senate proceeded to the consideration of the report of the committee, made on the 24th instant, on the petition of Reni Naw, and agreed thereto; and the petitioner had leave to withdraw his petition.

The Senate proceeded to the consideration of the report of the committee, made on the 24th instant, on the memorial of sundry merchants of the city of Philadelphia, on the subject of drawback; and the further consideration thereof was postponed.

Mr. WORTHINGTON submitted the following motion for consideration:

Resolved, That the Secretary of the Treasury be directed to report to the Senate, at their next session, the best information he can acquire as to the practicability, and probable expense of forming a turnpike road throughout the Atlantic States, commencing at the City of Washington, and running each way, towards the Northeastern and Southwestern extremities of the Union; together with his opinion as to the most suitable route for the same, and a plan or plans for the application of such means as may be most convenient to the Government, and within the power of Congress, to aid in carrying the same into execution.

The bill making a further appropriation towards defraying the expense of a road from Cumberland, in the State of Maryland, to the State of Ohio, was read the third time; and the first and second blanks having each been filled with the words "two hundred and fifty thousand dollars," on motion, the title was amended to read as follows: "An act in addition to the act to regulate the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio," and then the bill was passed.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act making provision for the disposal of the public lands situated between the United States' military tract, and the Connecticut Reserve, and for other purposes;" in which they request the concurrence of the Senate. The House of Representatives disagree to all the amendments of the Senate to the bill, entitled "An act repealing the acts laying duties on salt, and continuing in force, for a further time, the first section of the act, entitled 'An act further to protect the commerce and seamen of the United

States against the Barbary Powers;" and, moreover, do adhere to their bill as originally passed.

The bill from the House of Representatives first mentioned in the message was read; and, by unanimous consent, to dispense with the rule, the bill was read the second time, and referred to Messrs. WORTHINGTON, TRACY, and BALDWIN, the committee appointed on the 8th of December last, to examine the laws of the United States providing for the sale of public lands, to consider and report thereon.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act making appropriations for finishing the south wing of the Capitol, and for other purposes;" and the President reported to the House that the Committee of the Whole had agreed to some, and disagreed to other, amendments reported by the select committee; and had also agreed further to amend the bill.

Whereupon, a motion was made to strike out the words "twenty-five," line sixth of the bill, as reported by the select committee; and it passed in the negative.

On motion, it was agreed to strike out the word "repairing," line eighth, and insert, in lieu thereof, the words "making a new roof and other repairs."

On the question, Shall this bill be now read the third time as amended? it was determined in the affirmative.

Mr. GILES, from the committee to whom was referred that part of the Message of the President of the United States, as relates to the laws respecting the insurrections, and the violation of the public peace; also, the bill from the House of Representatives, entitled "An act providing for the punishment of certain crimes against the United States," reported the bill with amendments; which were read, and ordered to lie for consideration.

The Senate resumed the second reading of the bill, entitled "An act for the relief of Stephen Sayre;" and the bill was ordered to the third reading.

Mr. BRADLEY gave notice that he would tomorrow ask leave to bring in a bill to suspend the duties on salt, from and after the time therein specified.

The Senate took into consideration the resolution of the House of Representatives, adhering to their disagreement to the amendments of the Senate to the bill, entitled "An act repealing the acts laying duties on salt, and continuing in force for a further time the first section of the act, entitled 'An act further to protect the commerce and seamen of the United States against the Barbary Powers;" and, on motion that the Senate adhere to their amendments to the said bill, it was determined in the affirmative—yeas 15, nays 13, as follows:

YEAS—Messrs. Adams, Bayard, Bradley, Clay, Giles, Gilman, Hillhouse, Mitchill, Pickering, Plumer, Smith of Maryland, Smith of New York, Smith of Tennessee, Thruston, and Tracy.

NAYS—Messrs. Condit, Gaillard, Howland, Kitchel, Logan, Maclay, Milledge, Moore, Reed, Smith of Vermont, Sumter, Turner, and Worthington.

RAPIDS OF THE OHIO.

The report of the committee, made on the 24th instant, on the subject of a canal at the Rapids of the Ohio, was considered, and is as follows:

"That they have attentively examined a survey of the Rapids of the Ohio and the adjacent shores, accompanied by explanatory notes, made by a Mr. Jared Brooks, who appears to be a skilful and intelligent engineer. That the survey exhibits the sites proposed for the canal on the Kentucky shore, and its supposed contemplated route on the Indiana side; and its accuracy is certified by nine respectable gentlemen, who, being appointed by the Kentucky Legislature to promote the execution of an act for incorporating a company for cutting the canal in question, have themselves examined the several objects delineated. Mr. Brooks has sunk, at short and convenient distances, shafts ascertaining the nature of the ground through which the canal is proposed to pass on the Kentucky shore, the various depths to the surface of the rock; and by his survey and notes has fully evinced the practicability of the object, and the superior advantages of the Kentucky over the opposite side. On the Kentucky shore the requisite depth of the canal will be less, its length not so great by at least one-third, a better bed afforded, firmer ground for its sides, and far better harbors at its head and foot. From these circumstances, it is presumed, the expense of the undertaking will not be so great by one half on the Kentucky, as upon the opposite shore, and, in Mr. Brooks's opinion, will not exceed $200,000.

"To open the canal so as to admit of the passage of vessels of any burden capable of navigating the Ohio, the Legislature of Kentucky, at their session of 1804, passed an act incorporating a company by the name of the Ohio Canal Company, which was amended by an act passed at their session of 1805. By the provisions of these acts, the company is permitted to raise a capital of $500,000, composed of shares of fifty dollars each, is vested with suitable powers to accomplish the work, and upon its completion authorized to charge reasonable tolls. On their part, the Legislature of Kentucky has directed a subscription for one thousand shares, and has invited the Governments of the United States, Pennsylvania, Virginia, Maryland, Ohio, and New York, all supposed to be more or less interested, to participate in the undertaking.

"That the work is one of great and national importance is undeniable. The immense country on the Ohio and its waters, above the Rapids, in seeking a market for its surplus products, has to encounter the obstruction in the navigation of that stream, which they present. This obstruction, never entirely free from danger, is such as to absolutely preclude the passage of vessels for several months in the year in their descent, and when laden, for the whole year in their ascent of the river. The rapidity of the current, which averages at the rate of from ten to eleven miles an hour through the falls, leaves no alternative for a safe voyage up as well as down the river, but in a canal.

"How far it is the policy of the Government to aid in works of this kind, when it has no direct interest; whether, indeed, in such a case, it has the Constitutional power of patronage and encouragement; it is not necessary to be decided in the present instance. Being the proprietor of land bordering upon the Ohio, to a greater extent than any individual State, owning, too, an invaluable saline near the Wabash, there can be no doubt that both policy and power combine in favor of promoting an undertaking by which its property is to be incidentally benefitted. If the value and price of land depend as well upon the facility with which its products find a market, as upon its capacity to produce, there can be no doubt that the public lands will be increased in value, by improvements in the navigation of those streams which water them. The saline alluded to will have its market enlarged by the opening of the proposed canal; and those above the Rapids, as well as those below, may in time count upon it as one of the sources from whence salt may be obtained.

But, as some contrariety of opinion has existed in relation to the preferable side of the Ohio for the canal; as the information upon which your committee has, on this subject, acted, is rather of an ex-parte character; and as any aid this Government may think proper to give ought only to be afforded after the most impartial and thorough investigation of the subject, they beg leave to recommend the following resolution:

"*Resolved,* That the President be authorized to appoint three commissioners for the purpose of examining the rapids of the Ohio, to ascertain whether a canal to avoid them be practicable, and which side of the river presents the greatest advantages for its accomplishment; and, also, whether the bed of the river is capable of being so cleared out as to admit of ascending and descending navigation, and the relative importance of a sluice and canal."

The report was agreed to.

Ordered, That Messrs. CLAY, THRUSTON, and GILES, be a committee to bring in a bill accordingly.

Mr. CLAY, from the above committee, agreeably to instructions, reported a bill providing for the appointment of commissioners to ascertain the practicability of removing the obstructions in the navigation of the Ohio at the Rapids; and the bill was read, and ordered to the second reading.

FRIDAY, February 27.

Mr. GILES, from to committee to whom was referred the bill sent from the House of Representatives, entitled "An act in addition to the act, entitled 'An act supplementary to the act, entitled 'An act making provision for the redemption of the whole of the public debt of the United States," reported the same without amendment.

Resolved, That the further consideration of this bill be postponed until the next session of Congress.

The Senate resumed, as in Committee of the Whole, the bill from the House of Representatives, entitled "An act providing for the punishment of certain crimes against the United States," together with the report of the select committee thereon; and the President, from the Committee of the Whole, reported the bill to the House amended.

On the question, Shall the bill be read a third time as amended? It was determined in the affirmative.

A message from the House of Representatives informed the Senate that the House agree to the modifications of the amendments as reported by the committee of conference to the bill, entitled "An act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States from and after the first day of January, in the year of our Lord 1808;" they disagree to the amendments of the Senate to the joint resolution to publish the report and chart of the survey of the coast of North Carolina. They have passed a bill, entitled "An act to amend the act, entitled 'An act to regulate and fix the compensation of clerks, and to authorize the laying out of certain public roads, and for other purposes," in which they request the concurrence of the Senate.

The bill last mentioned in the message was read, and ordered to the second reading.

The bill sent from the House of Representatives, entitled "An act making appropriations for finishing the south wing of the Capitol, and for other purposes," was read the third time as amended, and passed.

The bill from the House of Representatives, entitled "An act for the relief of Stephen Sayre," was read the third time, and recommitted to Messsrs. TRACY, ADAMS, and BRADLEY, further to consider and report thereon.

Mr. WORTHINGTON, from the committee to whom was referred the bill from the House of Representatives, entitled "An act regulating the claims to land in the Territories of Orleans and Louisiana," reported the same with amendments; which were read, and ordered to lie for consideration.

The Senate took into consideration the resolution of the House of Representatives disagreeing to their amendments to the joint resolution for publishing the report and chart of the survey of the coast of North Carolina; and,

Resolved, That they recede from their amendments disagreed to.

The Senate took into consideration the report of the committee on the memorial of sundry merchants of the city of Philadelphia on the subject of drawback, and the consideration thereof was postponed.

The bill providing for the appointment of commissioners to ascertain the practicability of removing the obstruction of the navigation of the Ohio at the Rapids, was read the second time, as in Committee of the Whole; and the President having reported the bill to the House amended, on the question, Shall this bill be engrossed and read a third time as amended? it passed in the affirmative.

Mr. MITCHILL, from the committee to whom was referred the bill from the House of Representatives, entitled "An act for the relief of Daniel S. Dexter," reported it without amendment; and the bill was considered in Committee of the Whole; and the President having reported it to the House with an amendment, on the question, Shall this bill be read a third time as amended? it was determined in the affirmative.

The President communicated to the Senate a report of the Secretary for the Department of the Treasury, enclosing the copy of a letter from the Comptroller of the Treasury, accompanied with a statement of the emoluments of the officers of the customs for the year 1806;" which was read, and ordered to lie on the table.

SATURDAY, February 28.

Mr. TRACY, from the committee to whom was referred the bill, entitled "An act for the relief of Stephen Sayre," reported the same with amendments; and the bill was again considered as in Committee of the Whole; and the President having reported it to the House amended, it was agreed, by unanimous consent, to dispense with the rule, and the bill was read a third time as amended, and passed.

The bill from the House of Representatives, entitled "An act to amend the act, entitled 'An act to regulate and fix the compensation of clerks, and to authorize the laying out of certain public roads, and for other purposes," was read the second time, and referred to the committee appointed on the 7th of January last, to whom was referred the report of the Postmaster General, to consider and report thereon; and that Mr. SMITH, of Maryland, be added to the committee in place of Mr. BALDWIN, detained by the ill state of his health.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act making appropriations for the support of Government during the year 1807;" also, a bill, entitled "An act for the relief of Oliver Pollock;" in which they request the concurrence of the Senate.

The bills were read; and the bill last mentioned in the message was ordered to the second reading.

On motion, it was agreed, by unanimous consent, to dispense with the rule, and the bill first mentioned in the message was read the second time, and referred to Messrs TRACY, SMITH, of Maryland, and TURNER, to consider and report thereon.

Mr. WORTHINGTON had leave to withdraw the motions made on the 25th and 26th instant, respecting a canal between the waters of the Chesapeake and Delaware, and a turnpike road from the City of Washington through the Atlantic States, for the purpose of substituting the following for consideration:

Resolved, That the Secretary of the Treasury be directed to prepare and report to the Senate, at their next session, a plan for the application of such means as are within the power of Congress, to the purposes of opening roads and making canals; together with a statement of the undertakings of that nature which, as objects of public improvement, may require and deserve the aid of Government; and, also, a statement of works of the nature mentioned which have been commenced, the progress which has been made in them, and the means and prospect of their being completed; and all such information as, in the opinion of the Secretary, shall be material, in relation to the objects of this resolution.

The bill from the House of Representatives, entitled "An act providing for the punishment of certain crimes against the United States," was read the third time, and passed with amendments.

The bill from the House of Representatives, entitled "An act for the relief of Daniel S. Dexter," was read the third time and passed, with amendments.

The bill providing for the appointment of commissioners to ascertain the practicability of removing the obstructions in the navigation of the Ohio at the Rapids, was read the third time; and the first blank, providing for the daily pay of the commissioners, was filled with the words "five dollars," and the second blank in the clause making an appropriation, with "two thousand dollars;" and on the question, Shall this bill pass as amended? it was determined in the affirmative—yeas 18, nays 8, as follows:

YEAS—Messrs. Bayard, Clay, Gaillard, Gilman, Hillhouse, Maclay, Milledge, Mitchill, Moore, Pickering, Plumer, Reed, Smith of Maryland, Smith of Ohio, Smith of Tennessee, Thruston, White, and Worthington.

NAYS—Messrs. Adams, Condit, Howland, Kitchel, Smith of New York, Smith of Vermont, Tracy, and Turner.

So it was *Resolved,* That this bill pass, and that the title thereof be "An act providing for the appointment of commissioners to ascertain the practicability of removing the obstructions in the navigation of the Ohio, at the Rapids."

The Senate resumed, as in Committee of the Whole, the second reading of the bill from the House of Representatives, entitled "An act regulating claims to land in the Territories of Orleans and Louisiana," together with the report of the special committee thereon; and the President reported to the House that the Committee of the Whole do not agree to the report of the select committee, but had agreed to amend the bill.

On the question, Shall this bill pass to the third reading as amended? it was determined in the affirmative.

The Senate adjourned to 7 o'clock this evening.

Seven o'clock in the Evening.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act making compensation to Messrs. Lewis and Clarke and their companions;" a bill, entitled "An act disapproving of an act passed by the Governor and Judges of the Territory of Michigan, entitled 'An act concerning the Bank of Detroit;" and a bill entitled "An act authorizing patents to issue for lands located and surveyed by virtue of certain Virginia resolution warrants," in which bills they request the concurrence of the Senate.

The bills first mentioned in the message were read, and ordered to the second reading.

The bill from the House of Representatives, entitled "An act regulating the claims to land in the Territories of Orleans and Louisiana," was, by unanimous consent, read the third time as amended, and passed.

MONDAY, March 2.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act repealing the acts laying duties on salt, and continuing in force for a further time the first section of the act, entitled 'An act further to protect the commerce and seamen of the United States against the Barbary Powers," in which they request the concurrence of the Senate.

The bill mentioned in the message was read; and on motion that the bill be read the second time, it was objected to, as not in order—a bill of a similar nature having been rejected during the session; and the PRESIDENT referred the question of order to the decision of the Senate, to wit:

"Is it in order to read this bill a second time?" and it was determined in the affirmative—yeas 19, nays 10, as follows:

YEAS—Messrs. Bradley, Condit, Fenner, Gaillard, Giles, Howland, Kitchel, Logan, Maclay, Milledge, Moore, Reed, Smith of Maryland, Smith of Ohio, Smith of Tennessee, Smith of Vermont, Sumter, Turner, and Worthington.

NAYS—Messrs. Adams, Clay, Gilman, Hillhouse, Mitchill, Pickering, Plumer, Smith of New York, Tracy, and White.

So it was *Ordered*, That the bill be read a second time.

On motion, by Mr. TURNER, that the bill be now read the second time, it was objected to as not in order.

On motion, by Mr. TURNER, that the 12th rule for doing business in the Senate be suspended during the residue of the session, the PRESIDENT decided that the motion was not in order.

The Senate took into consideration the motion made on the 28th February, that it be

Resolved, That the Secretary of the Treasury be directed to prepare and report to the Senate, at their next session, a plan for the application of such means as are within the power of Congress, to the purposes of opening roads and making canals, together with a statement of the undertakings of that nature, which, as objects of public improvement, may require and deserve the aid of Government; and, also, a statement of works, of the nature mentioned, which have been commenced, the progress which has been made in them, and the means and prospect of their being completed, and all such information as, in the opinion of the Secretary, shall be material in relation to the objects of this resolution.

And on the question to agree to the motion, it was determined in the affirmative—yeas 22, nays 3, as follows:

YEAS—Messrs. Adams, Clay, Giles, Hillhouse, Howland, Kitchel, Logan, Milledge, Mitchill, Moore, Pickering, Plumer, Reed, Smith of Maryland, Smith of New York, Smith of Tennessee, Smith of Vermont, Sumter, Tracy, Turner, White, and Worthington.

NAYS—Messrs. Condit, Fenner, and Gilman.

The bill from the House of Representatives, entitled "An act for the relief of Oliver Pollock," was read the second time, and referred to Messrs. SMITH of Maryland, GILES, and TRACY, to consider and report thereon.

The bill from the House of Representatives, entitled "An act disapproving of an act passed by the Governor and Judges of the Territory of Michigan, entitled "An act concerning the Bank of Detroit," was read the second time, and referred to Messrs. ADAMS, WORTHINGTON, and GILES, to consider and report thereon.

The bill from the House of Representatives, entitled "An act making compensation to Messrs. Lewis and Clarke, and their companions," was read the second time, and referred to Messrs. TRACY, BRADLEY, and GILES, to consider and report thereon.

The bill from the House of Representatives, entitled "An act authorizing patents to be issued for lands located and surveyed by virtue of certain Virginia resolution warrants," was read the second time, and referred to Messrs. TRACY, WORTHINGTON, and BRADLEY, to consider and report thereon.

Mr. SMITH, of Maryland, from the committee to whom was referred the bill from the House of Representatives, entitled "An act for the relief of Oliver Pollock," reported an amendment, which was agreed to; and, on the question, Shall this bill be read a third time as amended? it was determined in the affirmative.

Mr. TRACY, from the committee to whom was referred the bill from the House of Representatives, entitled "An act to amend the act, entitled 'An act to regulate and fix the compensation of clerks, and to authorize the laying out of certain public roads, and for other purposes," reported the same with sundry amendments.

Mr. BRADLEY, from the committee to whom was referred the bill from the House of Representatives, entitled "An act making further appropriations for fortifying the ports and harbors of the United States, and for building gunboats," reported the bill with amendments.

Mr. ADAMS, from the committee to whom was referred the bill from the House of Representatives, entitled "An act disapproving of an act passed by the Governor and Judges of the Territory of Michigan, entitled 'An act concerning the bank of Detroit," reported it without amendment; and, on the question, Shall this bill be read a third time? it was determined in the affirmative.

Mr. BRADLEY, from the committee to whom was referred the bill, from the House of Representatives, entitled "An act authorizing the settlement of the accounts between the United States and William Eaton," reported the bill without amendment; and, on the question, Shall the bill be read a third time? it was determined in the affirmative.

A message from the House of Representatives informed the Senate that they have passed a bill, entitled "An act concerning invalid pensioners," in which they request the concurrence of the Senate.

The bill last brought up for concurrence was read, and it was agreed, by unanimous consent, to dispense with the rule and that this bill be now read the second time.

Ordered, That it be referred to Messrs. GILES, BRADLEY, and SMITH of Maryland, to consider and report thereon.

The following motion was submitted, by Mr. TURNER, for consideration:

Resolved, That so much of the twelfth rule for conducting business in the Senate, which is in the following words, viz: "Every bill shall receive three readings previous to its being passed; and the President shall give notice to each, whether it be the first, second, or third; which readings shall be on three different days, unless the Senate unanimously direct otherwise;" be suspended for the remainder of the present session.

The PRESIDENT gave notice that he should absent himself from the Senate for the remainder of the session.

The Senate adjourned to 7 o'clock this evening.

Seven o'clock in the Evening.

The VICE PRESIDENT being absent, the Senate proceeded to the election of a President *pro tempore*, as the Constitution provides; and the honorable SAMUEL SMITH was elected.

Ordered, That the Secretary wait on the President of the United States and acquaint him that the Senate have, in the absence of the Vice President, elected the honorable SAMUEL SMITH President of the Senate *pro tempore*; and that the Secretary make a like communication to the House of Representatives.

Mr. WORTHINGTON, from the committee to whom was referred the bill from the House of Representatives, entitled "An act making provision for the disposal of the public lands situated between the United States military tract, and the Connecticut Reserve, and for other purposes," reported it without amendment.

Mr. TRACY, from the committee to whom was referred the bill, entitled "An act supplementary to the act, entitled 'An act regulating the grants of land appropriated for the refugees from the British provinces of Canada and Nova Scotia," reported it without amendment.

Mr. TRACY, also, from the committee to whom was referred the bill, entitled "An act providing for the payment of the expense incurred by the military preparations for the defence of the Territory of Michigan, against the hostile Indians in the year 1806," reported the bill without amendment.

Mr. TRACY, likewise, from the committee to whom was referred the bill, entitled "An act authorizing patents to be issued for lands located and surveyed by virtue of certain Virginia resolution warrants," reported it without amendment.

Ordered, That the committee to whom was referred the memorial of Ira Allen be discharged from the further consideration thereof.

Mr. TRACY, from the committee to whom was referred the bill, entitled "An act making compensation to Messrs. Lewis and Clarke and their companions," reported it without amendment.

Mr. GILES, from the committee to whom was referred the bill, entitled "An act concerning invalid pensioners," reported it without amendment.

On motion, by Mr. SMITH, of Ohio, that it be

Resolved, That the Secretary of the Senate be authorized to pay, out of the contingent fund of this House, to Thomas Harvey, John Mathers, and Francis Durity, the sum of fifty dollars each, in addition to their usual compensation:

Ordered, That this motion lie for consideration.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act making appropriations for carrying into effect a treaty between the United States and the Chickasaw tribe of Indians;" also, a bill, entitled "An act making appropriations for carrying into effect certain treaties with the Cherokee and Piankeshaw tribes," in which they request the concurrence of the Senate.

The bills were read, and it was agreed, by unanimous consent, to dispense with the rule and that the bills mentioned in the message be now severally read the second time.

Ordered, That they be severally referred to Messrs. BRADLEY, GILES, and TRACY, to consider and report thereon.

The Senate took into consideration, as in Committee of the Whole, the second reading of the bill, entitled "An act making further appropriations for fortifying the ports and harbors of the United States, and for building gunboats," together with the amendments reported by the select committee; and the President having reported the bill to the Senate amended, agreeably to the report of the select committee, it was ordered to the third reading as amended.

The Senate took into consideration the amendments reported to the bill, entitled "An act to amend the act, entitled 'An act to regulate and fix the compensation of clerks, and to authorize the laying out of certain public roads, and for other purposes;" and, on motion, the bill was postponed to the next session of Congress.

The bill, entitled "An act making compensation to Messrs. Lewis and Clarke, and their companions," was read a second time; and, on the question, Shall this bill be read a third time? it was determined in the affirmative.

The bill, entitled "An act providing for the payment of the expense incurred by the military preparations for the defence of the Territory of Michigan against the hostile Indians, in the year 1806," was read the second time; and, on the question, Shall this bill be read the third time? it was determined in the affirmative.

The bill, entitled "An act supplementary to the act, entitled 'An act regulating the grants of land appropriated for the refugees from the British provinces of Canada and Nova Scotia," was read the second time; and, on the question, Shall this bill pass to a third reading? it was determined in the affirmative.

The bill, entitled "An act making provision for the disposal of the public lands situated between the United States military tract and the Connecticut Reserve, and for other purposes," was read the second time; and, on the question, Shall this bill be read the third time? it was determined in the affirmative.

TUESDAY, March 3.

Mr. TRACY, from the committee to whom was referred the bill from the House of Representatives, entitled "An act making appropriations for the support of Government during the year 1807," reported the bill with sundry amendments; and the President, from the Committee of the Whole, reported the bill with amendments.

Ordered, That the bill be read the third time as amended.

Mr. BRADLEY, from the committee to whom were referred the bills from the House of Representatives, entitled "An act making appropriations for carrying into effect the treaty between the United States and the Chickasaw tribe of Indians;" and "An act making appropriations for carrying into effect certain treaties with the Cherokee and Piankeshaw tribes of Indians," reported the first-mentioned bill with an amendment to the title, by adding thereto the words, "and to establish a land office in the Mississippi Territory;" and the bill last mentioned without amendment.

On motion, it was agreed, by unanimous consent, to dispense with the rule, and that the bill last mentioned in the report be now read the third time.

Resolved, That this bill pass.

A message from the House of Representatives informed the Senate that the House have passed a bill, sent from the Senate for concurrence, entitled "An act confirming the claims to lands in the district of Vincennes," with amendments, in which they request the concurrence of the Senate.

The bill, from the House of Representatives, entitled "An act laying duties on salt, and continuing in force, for a further time, the first section of the act, entitled 'An act further to protect the commerce and seamen of the United States against the Barbary Powers," was read the second time as in Committee of the Whole; and the President, from the Committee of the Whole, reported to the Senate the bill amended.

On motion to strike out the third section of the bill, to wit:

"SEC. 3. *And be it further enacted,* That so much of the act, passed on the twenty-fifth day of March, one thousand eight hundred and four, entitled 'An act further to protect the commerce and seamen of the United States against the Barbary Powers,' as is contained in the first section of the said act, be, and the same hereby is, continued in force until the first day of January next, and no longer: *Provided, however,* That the additional duty laid by the said section shall be collected on all goods, wares, and merchandise, liable to pay the same, as shall have been imported previous to that day."

It was passed in the negative—yeas 9, nays 21, as follows:

YEAS—Messrs. Adams, Bayard, Gilman, Hillhouse, Pickering, Plumer, Smith of New York, Tracy, and White.

NAYS—Messrs. Bradley, Clay, Condit, Fenner, Gaillard, Giles, Howland, Kitchel, Logan, Maclay, Milledge, Moore, Reed, Smith of Maryland, Smith of Ohio, Smith of Tennessee, Smith of Vermont, Sumter, Thruston, Turner, and Worthington.

On motion to adopt the report of the Committee of the Whole, extending the time at which the repeal shall take place, by striking out "thirtieth day of September," and inserting "thirty-first day of December," it passed in the affirmative—yeas 20, nays 11, as follows:

YEAS—Messrs. Adams, Bayard, Bradley, Clay, Giles, Gilman, Hillhouse, Howland, Mitchill, Pickering, Plumer, Reed, Smith of Maryland, Smith of New York, Smith of Ohio, Smith of Tennessee, Smith of Vermont, Thurston, Tracy, and White.

NAYS—Messrs. Condit, Fenner, Gaillard, Kitchel, Logan, Maclay, Milledge, Moore, Sumter, Turner, and Worthington.

On the question, Shall this bill pass to the third reading, as amended? it was determined in the affirmative—yeas 20, nays 10, as follows:

YEAS—Messrs. Bradley, Clay, Condit, Fenner, Gaillard, Giles, Howland, Kitchel, Maclay, Milledge, Moore, Reed, Smith of Maryland, Smith of Ohio, Smith of Tennessee, Smith of Vermont, Sumter, Thruston, Turner, and Worthington.

NAYS—Messrs. Adams, Bayard, Gilman, Hillhouse, Mitchill, Pickering, Plumer, Smith of New York, Tracy, and White.

Ordered, That this bill pass to the third reading as amended.

A message from the House of Representatives informed the Senate that the House agree to some, and disagree to other amendments of the bill sent from the Senate, entitled "An act allowing an additional compensation to the judges of the Mississippi Territory, and extending the right of suffrage therein." They have passed a bill, entitled "An act in addition to an act, entitled 'An act in addition to an act, entitled 'An act supplementary to the act providing for a Naval Peace Establishment, and for other purposes;" in which they request the concurrence of the Senate. They have passed the bill, sent from the Senate for concurrence, entitled "An act to reduce the expenses attending the administration of justice in the District of Columbia," with an amendment, in which they request the concurrence of the Senate.

The bill last brought up for concurrence was read, and it was agreed, by unanimous consent, to dispense with the rule, and that the bill be now read the second time; and, on the question, Shall this bill be read a third time? it was determined in the affirmative.

The bill, entitled "An act for the relief of Oliver Pollock," was read the third time as amended, and passed.

Mr. GILES, from the committee to whom was referred, on the 26th of January last, the Message of the President of the United States of that date, reported that they have had the same under consideration, and are of opinion that no Legislative provision is necessary.

On motion that the business in order be postponed to resume the motion made yesterday to suspend the 12th rule for doing business in the Senate, it passed in the negative.

By unanimous consent, the bill, entitled "An act making appropriations for the support of Government during the year 1807," was read the third time as amended, and passed.

Ordered, That the committee appointed on the 30th of December last, "to inquire what amendments, if any, are necessary to the act for establishing rules and articles for the government of the Armies of the United States," be discharged.

The bill, entitled "An act making further appropriations for fortifying the ports and harbors of the United States, and for building gunboats," was read the third time as amended, and passed.

The bill, entitled "An act authorizing the settlement of the accounts between the United States and William Eaton," was read the third time. On the question, Shall this bill pass? it was determined in the affirmative—yeas 16, nays 12, as follows:

YEAS—Messrs. Bayard, Bradley, Clay, Condit, Fenner, Gilman, Howland, Kitchel, Maclay, Pickering, Reed, Smith of Maryland, Smith of Ohio, Smith of Vermont, Tracy, and White.

NAYS—Messrs. Adams, Gaillard, Giles, Logan, Mitchill, Moore, Plumer, Smith of Tennessee, Sumter, Thruston, Turner, and Worthington.

So it was *Resolved*, That this bill pass.

The bill, entitled "An act making compensation to Messrs. Lewis and Clarke and their companions," was read the third time, and passed.

The bill from the House of Representatives, entitled "An act making provision for the disposal of the public lands situated between the United States military tract and the Connecticut Reserve, and for other purposes," was read the third time, and passed.

The bill from the House of Representatives, entitled "An act disapproving of an act passed by the Governor and Judges of the Territory of Michigan, entitled 'An act concerning the Bank of Detroit,'" was read the third time, and passed.

The bill from the House of Representatives, entitled "An act providing for the payment of the expense incurred by the military preparations for the defence of the Territory of Michigan against the hostile Indians, in the year 1806," was read the third time. On the question, Shall this bill pass? it was determined in the negative.

The bill from the House of Representatives, entitled "An act supplementary to the act, entitled 'An act regulating the grants of land appropriated for the refugees from the British Provinces of Canada and Nova Scotia,'" was read the third time. On the question, Shall this bill be postponed to the next session of Congress? it was determined in the affirmative.

The bill from the House of Representatives, entitled "An act making appropriations for carrying into effect a treaty between the United States and the Chickasaw tribe of Indians," was read the third time as amended, by unanimous consent.

Resolved, That this bill pass with an amendment.

A message from the House informed the Senate that the House have passed a bill, entitled "An act authorizing the discharge of Gilbert Drake from his imprisonment," in which they ask the concurrence of the Senate.

The bill last mentioned was twice read by unanimous consent, and referred to Messrs. BRADLEY, MITCHILL, and ADAMS, to consider and report thereon.

On motion, that the bill from the House of Representatives, entitled "An act in addition to an act, entitled 'An act supplementary to the act providing for a Naval Peace Establishment, and for other purposes,'" be now read a third time by unanimous consent; it was objected to.

On motion, that the bill from the House of Representatives, entitled "An act repealing the duties on salt, and continuing in force, for a further time, the first section of the act, entitled "An act further to protect the commerce and seamen of the United States against the Barbary Powers," be now read the third time by unanimous consent, it was objected to.

On motion, by Mr. TURNER, the Senate resumed the consideration of the motion for suspending the twelfth rule for conducting business in the Senate, which rule is as follows, viz: "Every 'bill shall receive three readings previous to its 'being passed: and the President shall give notice at each, whether it be the first, second, or 'third; which readings shall be on three different 'days, unless the Senate unanimously direct otherwise;" and a motion was made to postpone the consideration thereof until half past six o'clock this evening; and it passed in the negative.

On motion, by Mr. ADAMS, to strike out the words "be suspended for the remainder of the session," and insert "be abolished;" it passed in the negative—yeas 10, nays 17, as follows:

YEAS—Messrs. Adams, Bayard, Hillhouse, Kitchel, Pickering, Smith of Maryland, Smith of Ohio, Tracy, Turner, and Worthington.

NAYS—Messrs. Bradley, Condit, Fenner, Gaillard, Gilman, Howland, Logan, Maclay, Milledge, Mitchill, Moore, Plumer, Reed, Smith of Tennessee, Smith of Vermont, Thruston, and White.

Mr. BAYARD objected to the original motion for the suspension of the 12th rule, as not in order, and appealed to the decision of the PRESIDENT, who decided that the motion was in order.

On motion, by Mr. ADAMS, to amend the motion, and to insert, after the word "otherwise," "and, also, the 18th of the said rules for conducting business in the Senate;" to wit:

"No member shall absent himself from the service of the Senate, without leave of the Senate first obtained. And in case a less number than a quorum of the Senate shall convene, they are hereby authorized to send the Sergeant-at-Arms, or any other person or persons by them authorized, for any or all absent members, as the majority of such members present shall agree, at the expense of such absent members, respectively, unless such excuse for non-attendance shall be made, as the Senate, when a quorum is convened, shall judge sufficient; and in that case, the expense shall be paid out of the contingent fund. And this rule shall apply as well to the first convention of the Senate, at the legal time of meeting, as to each day of the session, after the hour has arrived to which the Senate stood adjourned:"

It passed in the negative.

On motion, to postpone the consideration of the subject for one hour, it passed in the negative.

On motion, by Mr. TURNER, to amend the original motion, to read as follows:

"*Resolved*, That so much of the 12th rule, for conducting business in the Senate, as requires that the three readings shall be on three different days, unless the Senate unanimously direct otherwise, be suspended for the remainder of the present session:"

It passed in the affirmative—yeas 15, nays 10 as follows:

YEAS—Messrs. Condit, Fenner, Gaillard, Howland, Kitchel, Logan, Maclay, Milledge, Moore, Reed, Smith of Maryland, Smith of Tennessee, Smith of Vermont, Turner, and Worthington.

NAYS—Messrs. Adams, Bayard, Gilman, Hillhouse, Mitchill, Pickering, Plumer, Thruston, Tracy, and White.

A message from the House informed the Senate that the House have passed a bill, entitled "An act to establish certain post roads, and for other purposes;" and, also, a bill, entitled "An act making compensation for extra services, to the Governor, Judges, and Secretary, of the Indiana Territory;" in which they desire the concurrence of the Senate.

The Senate resumed, as in Committee of the Whole, the bill from the House of Representatives, entitled "An act concerning invalid pensioners; and the President having reported the bill to the House without amendment, the bill was read a third time, and passed.

The bill from the House of Representatives, entitled "An act to establish certain post roads, and for other purposes," was read the first and second times. On the question, "Shall this bill pass to the third reading? it was determined in the affirmative.

The bill from the House of Representatives, entitled "An act making compensation for extra services to the Governor, Judges, and Secretary, of the Indiana Territory," was read the first and second times; and, on the question, Shall this bill pass to the third reading? it was determined in the affirmative.

The bill, entitled "An act repealing the acts laying duties on salt, and continuing in force, for a further time, the first section of the act, entitled 'An act further to protect the commerce and seamen of the United States against the Barbary Powers," was read the third time as amended; and, on the question, Shall this bill pass as amended? it was determined in the affirmative—yeas 17, nays 7, as follows:

YEAS—Messrs. Bradley, Condit, Fenner, Gaillard, Howland, Kitchel, Logan, Maclay, Milledge, Moore, Reed, Smith of Maryland, Smith of Ohio, Smith of Tennessee, Smith of Vermont, Turner, and Worthington.

YEAS—Messrs. Adams, Gilman, Hillhouse, Pickering, Plumer, Thruston, and Tracy.

The bill, entitled "An act in addition to an act, entitled 'An act in addition to an act, entitled 'An act supplementary to the act providing for a Naval Peace Establishment, and for other purposes," was read the third time, and passed.

Adjourned to seven o'clock this evening.

Seven o'clock in the Evening.

Mr. BRADLEY, from the committee to whom was referred the bill, entitled "An act authorizing the discharge of Gilbert Drake from his imprisonment," reported the same without amendment; and the bill was read the third time, and passed.

A motion was made, by Mr. ADAMS, as follows:

Resolved, That a committee be appointed on the part of the Senate, with such as the House of Representatives may join, to wait on the President of the United States, and inform him that, unless he may have any further communications to make to the two Houses of Congress, they are ready to adjourn.

The Senate proceeded to consider the amendments of the House of Representatives to the bill, entitled "An act confirming claims to land in the district of Vincennes; and they were referred to Messrs. TRACY, BRADLEY, and WORTHINGTON, to consider and report thereon.

The credentials of the honorable URIAH TRACY, appointed a Senator from the State of Connecticut, for six years, from and after the third day of March, in the year of our Lord 1807, were presented and read, and laid on file.

The Senate proceeded to consider the amendment of the House of Representatives to the bill, entitled "An act to reduce the expense attending the administration of justice in the District of Columbia;" and concurred therein.

The bill from the House of Representatives, entitled "An act authorizing patents to issue for lands located and surveyed, by virtue of certain Virginia resolution warrants," was read the third time, and passed.

Mr. TRACY, from the committee to whom were referred the amendments of the House of Representatives to the bill, entitled "An act confirming claims to lands in the district of Vincennes;" made a report: Whereupon,

Resolved, That the Senate concur in the said amendments.

The Senate resumed the consideration of their amendments, disagreed to by the House of Representatives, to the bill, entitled "An act allowing an additional compensation to the judges of the Mississippi Territory, and extending the right of suffrage therein.

Resolved, That the Senate do insist on their said amendments.

The bill from the House of Representatives, entitled "An act making compensation for extra services to the Governor, Judges, and Secretary, of the Indiana Territory," was read the third time, and passed.

The bill sent from the House of Representatives, entitled "An to establish certain post roads, and for other purposes," was read the third time, and passed.

The Senate resumed the report of the committee to whom was referred "The memorial of sundry merchants of Philadelphia, praying the benefit of drawback on certain articles exported, notwithstanding the formalities of the laws, by unavoidable casualties, have not been complied with;" which report is as follows:

"That the said memorial be referred to the Secretary of the Treasury, to examine the merits of the individual claims of the petitioners, and that he report the same to the Senate at their next session."

And the report was agreed to.

A message from the House of Representatives informed the Senate that the House have appointed a committee on their part to wait on the President of the United States and notify him of the intended recess of Congress.

Resolved, That the Secretary of the Senate be authorized to pay, out of the contingent fund of this House, to Thomas Harvey, John Mathers, and Francis Durity, the sum of fifty dollars each, and to the Chaplain of this House one hundred and fifty dollars, in addition to their usual compensation.

Mr. MITCHILL reported, from the joint committee, that they had waited on the President of the United States, who informed them that he had no further communications to make to the two Houses of Congress.

The Senate took into consideration the resolution of the House of Representatives for the appointment of a joint committee to wait on the President of the United States to acquaint him with the intended recess of the two Houses of Congress, and agreed thereto; and Messrs. MITCHILL and ADAMS were appointed the committee on the part of the Senate.

A message from the House of Representatives informed the Senate that the House having finished the business before them, are about to adjourn. The Secretary was then directed to inform the House of Representatives that the Senate having finished the business before them, are about to adjourn, whereupon, the Senate adjourned without day.

PROCEEDINGS AND DEBATES

OF THE

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,

AT THE SECOND SESSION OF THE NINTH CONGRESS, BEGUN AT THE CITY OF WASHINGTON, DECEMBER 1, 1806.

MONDAY, December 1, 1806.

This being the day appointed by the Constitution for the annual meeting of Congress, the following members of the House of Representatives appeared, and took their seats, to wit:

From New Hampshire—Silas Betton, Caleb Ellis, David Hough, Samuel Tenney, and Thomas W. Thompson.

From Massachusetts—Joseph Barker, Barnabas Bidwell, John Chandler, Orchard Cook, Jacob Crowninshield, Richard Cutts, William Ely, Isaiah L. Green, Seth Hastings, Jeremiah Nelson, Josiah Quincy, Ebenezer Seaver, William Stedman, Samuel Taggart, and Joseph B. Varnum.

From Vermont—Martin Chittenden, James Elliot, James Fisk, and Gideon Olin.

From Rhode Island—Nehemiah Knight, and Joseph Stanton.

From Connecticut—Samuel W. Dana, John Davenport, jr., Jonathan O. Mosely, Timothy Pitkin, jr., Lewis B. Sturges, and Benjamin Tallmadge.

From New York—John Blake, jr., Silas Halsey, John Russell, Peter Sailly, Thomas Sammons, Martin G. Schuneman, Philip Van Cortlandt, and Killian K. Van Rensselaer.

From New Jersey—Ezra Darby, Ebenezer Elmer, John Lambert, James Sloan, and Henry Southard.

From Pennsylvania—Isaac Anderson, David Bard, Robert Brown, Joseph Clay, Frederick Conrad, William Findley, John Hamilton, James Kelly, John Pugh, John Rea, Jacob Richards, John Smilie, Samuel Smith, John Whitehill, and Robert Whitehill,

From Delaware—James M. Broom.

From Maryland—Charles Goldsborough, Patrick Magruder, William McCreery, Nicholas R. Moore, and Roger Nelson.

From Virginia—Burwell Bassett, John Claiborne, John Clopton, John Dawson, John W. Eppes, James M. Garnett, Peterson Goodwyn, David Holmes, Walter Jones, Joseph Lewis, jr., Thomas Newton, jr., and John Randolph.

From North Carolina—Willis Alston, jr., Thomas Kenan, Duncan MacFarland, Nathanial Macon, *Speaker*, Richard Stanford, Joseph Winston, and Thomas Wynns.

From South Carolina—William Butler, Robert Marion, Thomas Moore, and David R. Williams.

From Georgia—Peter Early, and David Meriwether.

From Ohio—Jeremiah Morrow.

From Kentucky—George M. Bedinger, John Boyle, and Thomas Sandford.

From Tennessee—George W. Campbell, and John Rhea.

Delegate from the Mississippi Territory—William Lattimore.

Two new members, to wit: from Connecticut, THEODORE DWIGHT, returned to serve in this House, as a member for the said State, in the room of John Cotton Smith, who has resigned his seat; and, from Virginia, WILLIAM A. BURWELL, returned to serve in this House, as a member for the said State, in the room of Christopher Clark, who has resigned his seat; appeared, produced their credentials, were qualified, and took their seats in the House.

DANIEL CLARK, returned to serve as a delegate from the Orleans Territory of the United States, appeared, produced his credentials, was qualified, and took his seat in the House.

And a quorum consisting of a majority of the whole number, being present, a message was sent to the Senate to inform them that a quorum of the House is assembled, and ready to proceed to business.

A message from the Senate informed the House that a quorum of the Senate is assembled, and ready to proceed to business.

Mr. DAWSON and Mr. GEORGE W. CAMPBELL were appointed a committee, on the part of the House, jointly, with such committee as may be appointed on the part of the Senate, to wait on the President of the United States, and inform him that a quorum of the two Houses is assembled, and ready to receive any communications he may be pleased to make to them.

A message from the Senate informed the House that the Senate have appointed a committee on their part for the same purpose.

Mr. SLOAN laid on the the table a resolution, so to alter the rules of the House that the standing committees shall in future be chosen by ballot, and that committees shall be called over by the Speaker every Monday.

This motion, according to the rules of the House, was ordered to lie on the table.

Ordered, That the Clerk of this House cause the members to be furnished, during the present session, with three newspapers to each member, such as the members, respectively, shall choose, to be delivered at their lodgings; and that, if any member shall choose to take any newspaper, other than a daily paper, he shall be furnished with as many such papers as shall not exceed the price of a daily paper.

Mr. Dawson, from the joint committee appointed to wait on the President of the United States, reported that the President signified to them that he would make a Communication, in writing, to this House, to-morrow, at twelve o'clock, by way of Message.

Mr. Elliot moved that the House should proceed to appoint its several standing committees.

The Speaker observed that while the motion made by Mr. Sloan was pending, he did not consider it in order to take up the motion last made.

On the suggestion of Mr. Alston, that the object of the mover might be attained in a different way, Mr. Sloan withdrew for the present his motion.

Mr. Alston then moved that the standing committees should be appointed by ballot.

Mr. J. Clay moved to strike out the words "by ballot." This motion was supported by Mr. J. Clay, and opposed by Mr. Alston and Mr. Sloan.

The motion to strike out was carried—ayes 44, noes 42; when the motion to appoint the committees was agreed to.

The following committees were appointed, pursuant to the standing rules and and orders of the House, viz:

Committee of Elections—Mr. Findley, Mr. Elmer, Mr. Eppes, Mr. Chittenden, Mr. Schuneman, Mr. Bidwell, and Mr. Ellis.

Committee of Claims—Mr. Holmes, Mr. Moore of Maryland, Mr. Moore, of South Carolina, Mr. Bedinger, Mr. Stanford, Mr. Stanton, and Mr. Tallmadge.

Committee of Commerce and Manufactures—Mr. Crowninshield, Mr. M'Creery, Mr. Early, Mr. Dana, Mr. Newton, Mr. Marion, and Mr. Richards.

Committee of Ways and Means—Mr. Joseph Clay, Mr. Roger Nelson, Mr. Quincy, Mr. David R. Williams, Mr. Mosely, Mr. Garnett, and Mr. Meriwether.

Committee on the Public Lands—Mr. Boyle, Mr. Morrow, of Ohio, Mr. Darby, Mr. Bassett, Mr. Russell, Mr. Campbell, of Tennessee, and Mr. Hastings.

Committee of Revisal and Unfinished Business—Mr. Tenney, Mr. Alston, and Mr. Claiborne.

Committee of Accounts—Mr. Conrad, Mr. Davenport, and Mr. Cutts.

Tuesday, December 2.

Several other members, to wit: from New York, Henry W. Livingston, and Uri Tracy; from Maryland, John Campbell; from Virginia, John Morrow, Thomas M. Randolph, John Smith, Philip R. Thompson, and Alexander Wilson; from North Carolina, James Holland; and from South Carolina, Elias Earle; appeared, and took their seats in the House.

A message from the Senate informed the House that the Senate have resolved that two Chaplains, of different denominations, be appointed to Congress for the present session, one for each House, who shall interchange weekly.

Ordered, That the said message do lie on the table.

A Message was received from the President of the United States. [For which, see Senate proceedings of this date, *ante*, page 11.]

Ordered, That the said Message, together with the documents accompanying the same, be referred to a Committee of the Whole on the state of the Union.

Wednesday, December 3.

Several other members, to wit: from New York Josiah Masters and David Thomas; from Maryland, Leonard Covington; and from South Carolina, Levi Casey; appeared and took their seats in the House.

Another new member, to wit: Edward Lloyd, from Maryland, returned to serve in this House as a member for the said State, in the room of Joseph H. Nicholson, who hath resigned his seat, appeared, produced his credentials, was qualified, and took his seat in the House.

The House proceeded to consider the resolution of the Senate for the appointment of two Chaplains to Congress for the present session, one by each House, to interchange weekly, and concurred therein.

A Message was received from the President of the United States communicating information of the state of the negotiation depending between the United States and the Government of Great Britain. The Message was referred to Mr. J. Randolph, Mr. Marion, Mr. Van Cortlandt, Mr. McCreery, and Mr. Chandler.

On motion of Mr. J. Clay, it was

Resolved, That a committee be appointed to inquire whether any, and what, amendments are necessary to be made in the acts establishing a post office and post roads within the United States, and that said committee have leave to report by bill or otherwise.

And a committee was appointed of Mr. Varnum, Mr. Meriwether, Mr. Hough, Mr. Dwight, Mr. Chittenden, Mr. Sammons, Mr. Southard, Mr. Bard, Mr. Broom, Mr. Covington, Mr. Clopton, Mr. Winston, Mr. Earle, Mr. Morrow of Ohio, Mr. Sandford, Mr. G. W. Campbell, and Mr. Knight.

Mr. J. Clay, after a few preliminary remarks on the inconveniences to which a large portion of the population of the cities of Philadelphia and New York are exposed from their remoteness from the post offices, offered the following resolution, with a view to remove these inconveniences:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of authorizing the postmasters of the cities of Philadelphia and New York to establish within the said cities or suburbs any number not exceeding —— offices for the reception and distribution of letters.

On this motion a short debate arose, chiefly turning on the propriety of making the inquiry more general, by extending it to all the principal towns of the Union, which terminated in the adoption of the original motion, modified by introducing the cities of Washington, Baltimore, and Charleston, and the towns of Boston and Salem—yeas 59, nays 21.

A message from the Senate informed the House that the Senate have appointed the Rev. Mr. SAYRS to be one of the Chaplains to Congress, on their part.

On motion of Mr. BIDWELL,

Resolved, That a committee be appointed to consider what provision ought to be made, by law, for taking evidence in cases of contested elections of members of the House of Representatives of the United States; and that they have leave to report by bill or otherwise.

Ordered, That Mr. BIDWELL, Mr. HALSEY, Mr. SMITH of Pennsylvania, Mr. SMITH of Virginia, and Mr. PITKIN, be appointed a committee pursuant to the said resolution.

REFERENCE OF THE MESSAGE.

Agreeably to the order of the day, the House resolved itself into a Committee of the Whole on the state of the Union.

The Clerk having read the Message of the President of the United States—

Mr. DAWSON offered the following resolutions, which were agreed to without a division:

1. *Resolved*, That so much of the Message of the President of the United States as relates to an invasion of our territory by the troops of Spain, and to the adoption of measures for the protection thereof, be referred to a select committee.

2. *Resolved*, That so much of the Message of the President of the United States as relates to the repairs of fortifications and to the further protection of our ports, towns, and rivers, be referred to a select committee.

3. *Resolved*, That so much of the Message of the President of the United States as relates to a revision and amendment of the laws for the punishment of crimes against the United States, be referred to a select committee.

4. *Resolved*, That so much of the Message of the President of the United States as relates to the prohibition of the African slave trade, be referred to a select committee.

5. *Resolved*, That so much of the Message of the President of the United States as relates to a suppression of the duties on salt, to a continuation of the Mediterranean fund, and to the state of our revenue, be referred to the Committee of Ways and Means.

6. *Resolved*, That so much of the Message of the President of the United States as relates to the adoption of measures preparatory to the future appropriation of the surplus revenue of the United States, be referred to a select committee.

Mr. ALSTON offered the following resolution, which was likewise agreed to without a division:

7. *Resolved*, That so much of the Message of the President of the United States as relates to the further exploring of the Western waters, be referred to a select committee.

The Committee then rose and reported their agreement to the foregoing resolutions, in which the House concurred.

The first resolution was referred to Messrs. J. RANDOLPH, FISK, SANDFORD, G. W. CAMPBELL, BROWN, GOLDSBOROUGH, and BUTLER.

The second to Messrs. R. NELSON, P. R. THOMPSON, TALLMADGE, REA of Pennsylvania, THOMAS, ELLIOT, and WYNNS.

The third to Messrs. DAWSON, SMILIE, ELY, SLOAN, and T. W. THOMPSON.

The fourth to Messrs. EARLY, T. M. RANDOLPH, J. CAMPBELL, KENAN, COOK, KELLY, and VAN RENSSELAER.

The sixth to Messrs. BIDWELL, RHEA of Tennessee, BEDINGER, MORROW of Ohio, OLIN, BETTON, STANTON, STURGES, SAILLY, LAMBERT, R. WHITEHILL, BROOM, LLOYD BURWELL, HOLLAND, D. R. WILLIAMS, and EARLY.

The seventh to Messrs. ALSTON, BARKER, BLAKE, J. WHITEHILL, and MORROW of Virginia.

THURSDAY, December 4.

Another member, to wit: THOMAS BLOUNT, from North Carolina, appeared and took his seat in the House.

The House proceeded, by ballot, to the appointment of a Chaplain to Congress, on the part of this House, and, upon examining the ballots, a majority of the votes of the whole House was found in favor of the Rev. Mr. ELLIOT.

Mr. J. RANDOLPH, from the committee to whom was referred the Message of the President of yesterday, asked leave to report by bill; which having been given, Mr. R. reported the following bill:

An Act to suspend the operation of an act, entitled "An act to prohibit the importation of certain goods, wares, and merchandise," and to remit the penalties incurred under the same.

Be it enacted, by the Senate and House of Representatives of the United States of America, in Congress assembled, That the operation of the act, passed on the 8th day of April last, entitled "An act to prohibit the importation of certain goods, wares, and merchandise," be, and the same hereby is, suspended until the —— day of —— next.

And be it further enacted, That all penalties, fines, and forfeitures, which may have been incurred by virtue of the provisions of the aforesaid act, be, and the same hereby are, respectively remitted. This act shall take effect from and after the passing thereof.

Read twice, and referred to a Committee of the Whole to-morrow.

BRIDGE ACROSS THE POTOMAC.

Mr. LEWIS called the attention of the House to the subject of erecting a bridge across the Potomac, which had been fully discussed the last session. Owing to the late period of the session, or to some other circumstance, the bill, which had passed the House for this purpose, had been postponed by the other branch of the Legislature to this session. That the subject might again receive a full investigation, he moved the reference of the report of the select committee, together with all the documents connected with the business, to a select committee, with leave to report by bill or otherwise; which motion was agreed to—yeas 57, nays 29.

Mr. Lewis, Mr. Magruder, Mr. Casey, Mr. Covington, and Mr. Goodwyn, were appointed the committee.

Friday, December 5.

Another member, to wit: Evan Alexander, from North Carolina, appeared, and took his seat in the House.

Ordered, That Mr. Garnett be excused from serving on the Committee of Ways and Means; and that Mr. John Randolph be appointed of the said committee, in his place.

NON-IMPORTATION ACT.

On motion of Mr. John Randolph, the House resolved itself into a Committee of the Whole on the bill to suspend the operation of an act, entitled "An act to prohibit the importation of certain goods, wares, and merchandise," and to remit the penalties incurred under the same.

The bill is as follows:

Be it enacted, &c., That the operation of the act passed on the 18th day of April last, entitled "An act to prohibit the importation of certain goods, wares, and merchandise," be, and the same hereby is, suspended until the —— day of —— next.

And be it further enacted, That all penalties, fines, and forfeitures, which may have been incurred by virtue of the provisions of the aforesaid act, be, and the same hereby are, respectively remitted. This act shall take effect from and after the passing thereof.

The first section of the bill having been read—

Mr. J. Randolph said, there were two periods mentioned in the select committee, which reported the bill, as proper to fill the blank in the first section; the first was the first day of June; the other, some time within the next session of Congress, say the 31st of December. It would be recollected that, in the Message of the President, the suspension of the act, entitled "An act to prohibit the importation of certain goods, wares, and merchandise," is recommended on two motives; the first a motive of conciliation towards Great Britain; the second, from a regard to our own convenience. It was supposed, in the select committee, that if the act should be suspended for a very short period, it would answer neither of these purposes; that the news of the expiration of the suspending law reaching Great Britain about the time the passage of the law was known, it would, as to all the purposes of conciliation, be unsatisfactory; and, at the same time, that the merchants would not be able to send their orders abroad in time to receive returns before the act should again be suspended in its operation and effect. Under this view of the subject, the major part of the committee, at the instigation of two gentlemen representing commercial towns, were of opinion that the suspension should extend into the next session. They were likewise of this opinion on other grounds. If the act should be suspended to a period between this and the ensuing session, it might so happen as to take effect after our differences with Great Britain should be accommodated. They were of this opinion from another consideration. If, unfortunately, and contrary to the present prospect, the negotiation should fail, and an open rupture ensue between the two nations, the committee were not of opinion that the suspension of the prohibitory act, for a few months, would be of material importance on the interests of either party; but that measures of a stronger character would be required. Mr. R. said, he had thus given the views which influenced the committee. The committee would fill the blank with either day, as it should suit their pleasure. He would move to fill it with the 31st day of December, in order to try their sense; at the same time, he did not feel it important that the blank should be filled with that day, or any other.

Mr. Smilie observed, that there were two points which appeared to him to contain the marrow of the bill; the first was, whether the prohibitory act should be suspended? and the second, to what time the suspension should be made? The last point, it was more difficult to agree about than the other. He would suggest, whether it would not be best to leave the blank unfilled until the third reading of the bill? By pursuing this course, time would be allowed members to reflect on the subject. He was himself not altogether prepared to say what would be the proper period. He was friendly to the suspension, but he had not made up his mind as to the time.

Mr. J. Clay said, it was usual to fill up the blanks in Committee of the Whole. If his colleague were not disposed to agree to filling the bill with the 31st December, it would be easy, when the bill should be considered in the House, to vote against concurring in the report of the committee.

Mr. Findley said both modes of filling blanks were usual, and either was pursued, according to the convenience of the House. As filling the blank, in this instance, was of great importance, and as the House had as yet had little time to reflect upon it, he hoped the motion to fill the blank would be postponed until the bill was carried into the House. He was friendly to the principle of the bill, but had not made up his mind with regard to the period for which it would be best to suspend the prohibitory act.

The question being put, the motion to fill the blank with the 31st of December was disagreed to—ayes 48, noes 62.

The Chairman having read the second section—

Mr. R. Nelson declared himself unprepared to give his vote upon it. If he recollected the provisions of the existing laws, they gave to the informer a part of the penalty accruing from their infraction. The United States, however they might give up the penalties which had accrued to them; had no right to remit that part of them which had become the property of the informer. He submitted, therefore, the propriety of so amending this section as to save the rights of the latter.

The several provisions of the laws on this subject having been read, a debate of considerable length arose on the necessity of the proposed amendment.

Its necessity was contended for by Messrs. R. NELSON, G. W. CAMPBELL, DAWSON, and FINDLEY; and opposed by Messrs. J. CLAY, BIDWELL, J. RANDOLPH, and CROWNINSHIELD.

By the former gentlemen it was contended that a vested right became attached to the informer, or officer of customs, which the United States could not morally divest; and that, although the Secretary of the Treasury was authorized by law to remit all forfeitures, yet that Congress could not themselves remit them.

On the other hand, it was maintained that Congress, having given the entire power of remission of forfeitures to the Secretary of the Treasury, were as competent themselves to remit as he was, and that the power which they had bestowed on an inferior Executive officer they were themselves competent to exercise.

In the course of this argument, Mr. G. W. CAMPBELL moved that the Committee should rise, and ask leave to sit again.

This motion was, however, withdrawn, under the impression that the blank would not be filled until the third reading of the bill.

The Committee then rose, and reported their agreement to the bill without amendment.

Mr. DAWSON, to try the sense of the House on the point discussed in Committee, offered the following amendment:

Provided, That nothing herein contained shall be construed to affect the right or claim of any person, to any part of any fine, penalty, or forfeiture, incurred by the breach of the act aforesaid, which such person shall or may be entitled to, by virtue of the said law, in cases where a prosecution has been commenced or information has been given, before the passing of this act; the amount of which right and claim shall be assessed and valued by a proper judge or court in a summary manner.

The argument, commenced in Committee, was resumed by the same gentlemen, when the question was taken, and the amendment disagreed to —ayes 12.

Mr. J. RANDOLPH said, after what had passed, the House would not ascribe to him a wish to precipitate the decision on filling the blank in the first section. He had, indeed, no such intention. When in Committee, he had avoided saying anything as to the principle or expediency of the measure; nor should he touch these points, if at all, till the question whether the bill should pass, or not, was fairly before the House? But, he would appeal to gentlemen, whether the interests of the United States could be materially affected by an additional suspension for three days, three weeks, or three months? The subject had been very fully debated the last session, and gentlemen could surely make up their minds whether it were best for the suspension to operate to the end of the session, or to the 30th of June, or to a later period? This was one of those minor questions that did not require much time for consideration, and having decided that the suspension should not be extended to the 31st of December, there could be little difficulty in fixing an intermediate day. He should, therefore, move to fill the blank with the 30th of June, although he did not mean to press the motion. He understood that was the quarter day at the Treasury.

Mr. ALSTON said, when he voted in Committee, against filling the blank with the 31st of December, it was not because he was absolutely against that day, but because his mind was not made up with respect to the most proper day at which to limit the suspension. He had heard nothing since to satisfy his mind on this head. He hoped, therefore, that the blank would not be filled until the third reading of the bill.

Mr. J. CLAY remarked that, when he seconded the motion of the gentleman from Virginia, (Mr. J. RANDOLPH.) it was with a perfect knowledge that it would be competent to the House to fill the blank on the third reading of the bill. But, he would ask, whether there would not exist a difficulty in fixing the period of suspension at any day short of the commencement of the next session of Congress? And, if there were, whether there would not arise a necessity of placing somewhere a dispensing power? He hoped, from all he could collect, that all differences between the two Governments would, before that day, be removed. Well, suppose a treaty, in all respects perfectly satisfactory, should be concluded, and the prohibitory act only suspended until the 30th of June, without any power existing to dispense with it? The bill must again go into effect notwithstanding all the causes which gave rise to it have ceased. He believed it was not competent to amend a bill on its third reading, unless by unanimous consent. For this reason, he wished that the blank might be filled with the 30th of June, and an amendment introduced, authorizing a further suspension, in case our differences shall be adjusted. If this course were adopted, he believed every gentleman would be satisfied.

Mr. SMILIE moved to postpone the further consideration of the bill to Monday.

Mr. J. RANDOLPH hoped that, if the consideration of the bill were postponed, it would not be till Monday. He considered the bill of some importance to two classes of persons; to the merchants, and still more so to the Southern planters. It was considered, by those who understood its operation, as of material importance to the cotton planters. He supposed, between this day and to-morrow, every gentleman would be able to make up his mind whether it would be expedient to suspend the prohibitory law for three, six, or nine months. The period appeared to him comparatively an unimportant question; whereas, that of the bill coming soon into operation, was of great importance to the planters. If passed, it would have a considerable effect on orders abroad and projects at home. If a postponement took place, he hoped the House would adjourn till to-morrow, and its consideration be then resumed. As the other House were generally more tardy in their proceedings, it could scarcely be expected to get in operation in less than eight or ten days; and that period would be taken from the period of suspension, short as it might be.

The motion to postpone the bill to Monday was disagreed to—ayes 29.

Mr. Smilie then moved a postponement till to-morrow; which was carried—ayes 60.

In the course of the debate, Mr. R. Nelson remarked, as an inducement to the prompt passage of the bill, that he was informed that Mr. Merry, the late British Minister, about to sail for England, was waiting to learn the fate of it.

Saturday, December 6.

NON-IMPORTATION ACT.

The House proceeded to consider the bill to suspend the operation of an act, entitled "An act to prohibit the importation of certain goods, wares, and merchandise," and to remit the penalties incurred under the same; when the first section thereof being again read, in the words following, to wit:

Sec. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the operation of the act, passed on the eighteenth day of April last, entitled "An act to prohibit the importation of certain goods, wares, and merchandise," be, and the same hereby is, suspended until the —— day of —— next.

The Speaker observed that when the bill was yesterday under consideration, the question pending was on filling the blank in the first section with the words "June 30," (the day until which it was proposed to suspend the prohibitory act.)

At the request of Mr. J. Randolph, the Message of the President of the 3d instant was read.

Mr. J. Randolph then said, that when he had made the motion in committee to fill the blank with the 30th of June, he had done it under the impression that the House had expressed their disapprobation of a suspension to so long a day as the 31st of December. But it seemed, from some observations which had been made in the House, that some gentlemen who voted against the suspension until the next session, had voted in this way, not because they were opposed to that day, but merely because they had not fully considered the subject. He would, therefore, withdraw his motion to fill the blank with the 30th of June, and renew his motion to fill it with the 31st day of December. He did this, not only from the motives he had mentioned, but from other motives, which struck his mind with great force, and which, if gentlemen attended to them, they would find of considerable weight. Gentlemen have said that they are disposed to pass the suspending law, because the conduct of Great Britain, which they deemed the last year hostile to us, had since materially changed. Now if this were a fact, (the accuracy of which he was not about at present to discuss,) what was the inference? If at the last session, when gentlemen deemed the conduct of Great Britain hostile to us, they suspended the operation of the prohibitory act to the 15th of November ensuing, surely, *a fortiori*, gentlemen, who deemed the conduct of that Government so materially changed, would agree to a suspension for a period as much longer as would be equivalent to the change in her conduct. It might be said that the reason for the suspension at the last session did not now exist, as it was then necessary to give a greater length of notice of the going into operation of so important a law. True; but no gentleman would say that a period, so long as that allowed, was then necessary, as it was only requisite, in this point of view, to allow time for the information of the passage of the act to be received before the sailing of the Spring vessels. Under this view of the subject, he would renew his motion to fill the blank with the 31st day of December.

Mr. Elliot hoped the motion would prevail. He, indeed, very much regretted that it had been negatived in Committee of the Whole. He had never considered the prohibitory act as valuable, but as indicating the spirit of the American people, and as leading the way to stronger measures in case the conduct of Great Britain should require them. He was willing to part with it for a reasonable disposition towards accommodation on the part of Great Britain, which they had been assured existed at present. In the present state of our foreign affairs, when a European Power had frequently invaded our territory, he thought there were strong reasons for being on good terms with Great Britain. He contemplated the prohibitory law as a mere matter of temporary policy, not as forming a part of a permanent system of commercial warfare with Great Britain. Mr. E. said there was one reason, which ought to decide the vote of the House on this question. If gentlemen viewed the prohibitory law as a mere matter of temporary policy, and if, as they had been assured by the Executive, the pending negotiations were likely to issue in a satisfactory result, surely they ought no longer to keep the agricultural and commercial interests in suspense, as to the measures contemplated to be pursued on our arrangements with Great Britain. For one, he should be willing, after the assurances they had received of the friendly disposition of the British Government, and from his sense of the inefficiency of the law, to repeal it altogether. And although gentlemen should be disposed to hold it up *in terrorem* to Great Britain, why not suspend it for a year, or, at all events, permit the suspension to cease during a session of Congress? Suppose a majority shall say that the suspending act shall cease in June or July, the non-importation act will then be again in force. How, then, can our merchants with any safety take their measures? Why leave the subject in doubt, when they were convinced that the spirit which presides over the pending negotiations will produce a favorable result? For these reasons Mr. E. said he hoped the present motion would prevail.

Mr. **Bidwell** observed that with the gentleman from Vermont, who had just sat down, he could say that the prohibitory act, the operation of which was proposed to be suspended, received his vote at the time of its passage. But, like him, he could not add, that his view of the policy of the measure had changed. Further reflection had confirmed him in the belief of its wisdom and justice; and experience, during the short period which has intervened, has added the weight of its sanction. The act had, so far, evidently produced a salutary effect. He had no hesitation in saying that it had an influence in producing the accommodating spirit which, at the date of the last despatches from our Commissioners, was manifested on the part of Great Britain towards the United States. Convinced of the soundness of our policy, he should by no means be willing to see it abandoned by a repeal of the act. On the contrary, he hoped the act would be retained and enforced, and that further steps would be taken in the same system of policy, unless it should be rendered unnecessary by satisfactory conventional arrangements. Yet, consistently with this system, he was willing, for the reasons stated in the President's Message, to suspend the operation of the act for a reasonable time, but not for so long a time as had been moved by the gentleman from Virginia. The object of the proposed suspension was twofold: First, to meet a conciliatory disposition on the part of Great Britain, with the proof of a disposition equally conciliatory on our part; and, secondly, to give a full and fair opportunity for concluding a negotiation, which had been delayed by causes not of a suspicious or unfriendly nature. If we had reason to believe that the delay was an intentional procrastination for the purpose of deluding us, or for gaining time to take advantage of events, it would be a sufficient objection to any suspension. But he saw no ground for such a suspicion. They were assured that the negotiation was in a favorable train, and promised a result mutually advantageous. He would, therefore, give full time for its conclusion. Neither of the objects proposed by a suspension, however, required so long a time as until the last of December. Both of them would be satisfied by carrying the suspension to the first of July. The intervening period would, after making allowance for all ordinary obstacles, afford sufficient opportunity for the act to be transmitted to London, to produce its due effect there, and admit a return of the result. More than that ought not to be allowed. It would be going beyond the objects of the suspension. It would, in the event of a failure of the negotiation, give an unnecessary protraction to the operation of our prohibitory law. It would evince an unstable or doubtful policy, and excite a suspicion of our sincerity, or at least of our capacity to enforce the system we have adopted. By a suspension to the first of July, we should admit the Spring importations, and thereby show a proper attention to the interests of our merchants, without permitting the Fall importations. The event of a treaty, in the meantime, might be provided for by a separate clause in this bill, or, which he should prefer, by a separate act to be passed, if necessary, before the close of the session. For these reasons he hoped the motion to fill the blank with the 31st of December would not prevail, but that it would be filled with the first of July, agreeably to a motion which had been made and withdrawn, but which he took the liberty to renew.

Mr. **Sloan** said he hoped the motion to fill the blank with so late a period as the 31st of December would not prevail. He hoped also that the House would take up the subject with that seriousness which its magnitude required. He should not recapitulate the causes which had induced Congress at their last session to pass the prohibitory act, as they must be in the recollection of the House. But he would ask gentlemen one question of serious import. What facts had occurred to induce the House to suspend this act? A friendly disposition manifested by the Ministry of Great Britain. This was the utmost extent of the ground on which it was proposed to legislate. He would ask whether it was sufficient ground to induce a suspension for so long a time? He was willing to meet friendly dispositions on the part of Britain by friendly dispositions on our part. But did it appear that anything had been done which was permanent or binding? No. They had not been informed that a single preliminary article had been agreed upon. It was true that there was for the present a suspension of aggression on our commerce and seamen; he was, therefore, in favor of a suspension of the prohibitory act for a very short period. But he hoped that both the motions which had been made would be rejected, and an earlier day, about the close of the session, be introduced, and that the President might be empowered further to suspend the act, if occasion should require, until the next meeting of Congress.

Mr. **Crowninshield** said he could not but regret that the gentleman from Virginia, after the vote in the Committee of the Whole, should have withdrawn his motion to fill the blank with the 30th day of June. When he was up yesterday, some expressions had dropped from him of the confidence he entertained with regard to the friendly disposition of Great Britain, in her commercial relations with this country. Though that was his opinion, grounded on the information contained in the Message of the President, he had always considered the measures of Great Britain as founded on a system of policy hostile to our growing commercial greatness. If she found our policy wavering, it was very possible she might renew her former depredations on our commerce. It would be recollected that it was a very long period after the remonstrances were made by our Ministers, before any attention was paid to them, or they received an answer. Several months at least elapsed. It had always appeared to him that the conduct of Great Britain had in this instance been governed by the state of the Continent, and that she had been controlled by continental events. It must, too, be acknowledged that she had never seriously entered into negotiation with us until the passage of the prohibitory act. Mr. C. said it was his opinion if we had not acted with spirit Britain never would have negotiated with us. Such being his opinion, he was in favor of continuing the prohibitory law, or of suspending it only for a short time. He was therefore opposed to filling the blank with the 30th of December. With regard to his own individual opinion he did not know whether he should be for making the suspension go beyond the present session; for if events should favor a new coalition, it was very probable her depredations would be renewed. Although appearances were flattering, she was undoubtedly governed by events, and might in future change her conduct. He could not agree that we ought to be influenced by some clouds in the Western country embodied by another nation. It would make no difference in his conduct towards Great Britain if the country were invaded even to Washington. He would still persist in the same policy. There was no doubt that the United States could resist a combination of all Europe. Great Britain at present appeared to be friendly, and the negotiations might issue in some commercial arrangements, but which might not prove satisfactory to the House. He did not, therefore, wish to give up the law for so long a time. He might agree to its suspension to the first of July. He did not think the interest of the merchants ought to be considered with regard to their Spring importations, because they had already imported a sufficiency of the prohibited articles; and if the interests of the merchants were to be attended to in all such cases, it would be impossible for the Government to get along. Besides, a great part of the prohibited articles might be got from other countries, at prices but little exceeding the British. From this view of the subject, he thought the period of suspension ought to be entirely determined by its effect on the negotiations. So far as this consideration recommended a suspension he was willing to go. But he could not consent to so long a period as that proposed, which almost doubled that agreed upon at the last session.

Mr. **Smilie** said that when he agreed to the passage of the prohibitory law, it was from a conviction that it would produce salutary effects. Such was then his impression, and such was his present opinion. It was true that he wished to impose no commercial restrictions upon the trade of Great Britain, provided she would treat us as a friendly nation. The act had been passed as an inducement to her to review her conduct, and to do us justice. Entertaining still the same views and feelings, and believing the measure was calculated to produce the best effects, he still remained a firm and decided friend of the law. As soon as the desired effects were produced he should cease to wish for its continuance. But until they were produced he should never consent to part with it. From the Message of the President, it appeared that it was his opinion, as well as that of our Ministers, who were undoubtedly the best qualified to judge, that a temporary suspension of the law would have a favorable effect on the pending negotiations. He was, therefore, willing to suspend it; but not for so long a period as that mentioned. A suspension until the 1st of July would allow ample time for its effect on the negotiations. If, during the course of the session, circumstances should arise requiring a change of policy, they could be easily provided for. They were then just on the verge of the session. Despatches would undoubtedly be received before they rose, from which they would learn what was best to be done. For these reasons Mr. **Smilie** hoped the blank would be filled with the 1st day of July.

Mr. J. **Randolph** rose merely to observe that it was usual for gentlemen to renew in the House, motions made in the Committee of the Whole. It was true he had not renewed this motion yesterday, because he did then understand the vote in the Committee of the Whole as expressing the disapprobation of the House of so long a period of suspension as the 31st day of December. But after he had received information that several gentlemen, who had voted against the motion, did not consider it in this light, he had renewed the motion. Mr. R. said he really did not see it, nor could he be induced to believe it to be a question of great importance, whether the suspension should be for six or twelve months. The principle of the bill was as much involved in one period as the other. He thought the whole reasoning of gentlemen went to show that the suspension ought not to extend beyond the present session. It was evident that this was not the opinion of the President, who, in his Message, recommends the suspension, as well with a view to the promotion of our own commercial purposes, as to favor the negotiations. Great Britain having indicated a conciliatory temper, did it not become a point of policy towards her to suspend this act for a reasonable time? If, too, the suspension be limited to some day when we are not in session, may not great inconvenience arise? Gentlemen on the committee with him would recollect that he named the 3d day of March; but at the suggestion of two gentlemen from two great commercial cities a further time was deemed necessary; and it did appear to him, if it were extended beyond the 3d of March, it should be to a day which would fall into the next session. However, in case the suspension should be limited to an intermediate day, he had prepared a clause further to suspend the act in case a treaty should be formed, which, in that event, he would offer.

Mr. **Alston** said he was still, as he expressed himself yesterday, in considerable doubt as to the proper time to which the act passed at the last session, prohibiting certain articles from being imported into the United States, should be suspended. It was then adopted with a view to aid our negotiations with Great Britain; and as the negotiations with the Government it was intended to operate against, were still pending, the same cause which produced its passage in the first instance, operated upon his mind as to the propriety of continuing the law; but he was perfectly willing to suspend its going into effect, until ample time should be afforded for a termination of the negotiations now pending.

He did not believe that in the event of a failure of an adjustment of differences by the negotiation now on foot, war with that country would follow, nor that there would be a necessity for any stronger measures on our part to be taken; once permit the law to go into operation, and he believed its effects would be as forcibly felt by that country as any measure we could adopt. He was opposed to a suspension to the time proposed (which was the 31st of December next) for several reasons; for instance, should our expectations of a friendly adjustment of differences fail, and the event be known in the course of two or three months, everybody, particularly those in favor of the system, would say it ought to apply to the next fall importations. Again, if we put it off until the time proposed, it would seem as though we ourselves were afraid of the ground we had taken, and never intended it to take effect. The ground taken by the gentleman from Vermont, which was, that we ought to be in session at the time to which the law should be suspended, was to his mind very forcible; he felt a great repugnance to delegating a power to any person whatever to suspend the operation of a law of Congress; but, as was mentioned by the gentleman from Massachusetts, (Mr. BIDWELL,) a clause could be introduced specially authorizing the President of the United States, in case of certain events taking place, to suspend the law, and that only until the next session of Congress. A special delegation of this kind would not be an abandonment of the principle he contended for. He, therefore, felt himself under the necessity of voting against filling up the blank with the time proposed.

The yeas and nays were then taken on filling the blank with the 31st of December, and were—yeas 45, nays 67, as follows:

YEAS—George M. Bedinger, Silas Betton, James M. Broom, John Boyle, John Campbell, Martin Chittenden, Samuel W. Dana, John Davenport, jr., Theodore Dwight, Peter Early, James Elliot, Caleb Ellis, William Ely, James M. Garnett, Charles Goldsborough, Seth Hastings, David Hough, Walter Jones, James Kelly, Joseph Lewis, jr., Henry W. Livingston, Edward Lloyd, Josiah Masters, William McCreery, David Meriwether, Jonathan O. Mosely, Jeremiah Nelson, Timothy Pitkin, jr., Josiah Quincy, John Randolph, John Rea of Pennsylvania, Jacob Richards, John Russell, Thomas Sandford, Richard Stanford, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, Philip R. Thompson, Thomas W. Thompson, Philip Van Cortlandt, Killian K. Van Rensselaer, and Thomas Wynns.

NAYS—Evan Alexander, Willis Alston, jr., Isaac Anderson, David Bard, Joseph Barker, Burwell Bassett, Barnabas Bidwell, John Blake, jr., Thomas Blount, Robert Brown, William A. Burwell, William Butler, George W. Campbell, Levi Casey, John Chandler, John Claiborne, John Clopton, Frederick Conrad, Orchard Cook, Leonard Covington, Jacob Crowninshield, Richard Cutts, Ezra Darby, John Dawson, Elias Earle, Ebenezer Elmer, John W. Eppes, William Findley, James Fisk, Peterson Goodwyn, Isaiah L. Green, Silas Halsey, John Hamilton, James Holland, David Holmes, Thomas Kenan, Nehemiah Knight, John Lambert, Patrick Magruder, Robert Marion, Nicholas R. Moore, Jeremiah Morrow, John Morrow, Roger Nelson, Thomas Newton, jr., Gideon Olin, John Pugh, Thomas M. Randolph, John Rhea of Tennessee, Peter Sailly, Thomas Sammons, Martin G. Schuneman, James Sloan, John Smilie, John Smith, Samuel Smith, Henry Southard, Joseph Stanton, David Thomas, Uri Tracy, Joseph B. Varnum, John Whitehill, Robert Whitehill, David R. Williams, Alexander Wilson, and Joseph Winston.

The question was then put on filling it with the 1st of July.

Mr. J. RANDOLPH said this seemed to be a very important question, though he really did not see it in that light. He hoped, however, they would have the yeas and nays; which, being taken, were—yeas 97, nays 12, as follows:

YEAS—Evan Alexander, Willis Alston, jr., Isaac Anderson, David Bard, Joseph Barker, Burwell Bassett, George M. Bedinger, Silas Betton, Barnabas Bidwell, John Blake, jr., Thomas Blount, James M. Broom, Robert Brown, John Boyle, William A. Burwell, William Butler, George W. Campbell, Levi Casey, John Chandler, John Claiborne, John Clopton, Orchard Cook, Leonard Covington, Jacob Crowninshield, Richard Cutts, Samuel W. Dana, Ezra Darby, John Davenport, jr., John Dawson, Theodore Dwight, Elias Earle, Peter Early, James Elliot, Caleb Ellis, Ebenezer Elmer, William Ely, John W. Eppes, William Findley, James Fisk, James M. Garnett, Peterson Goodwyn, Silas Halsey, Seth Hastings, James Holland, David Holmes, Walter Jones, James Kelly, Thomas Kenan, Nehemiah Knight, John Lambert, Henry W. Livingston, Edward Lloyd, Duncan McFarland, Patrick Magruder, Robert Marion, Josiah Masters, William McCreery, David Meriwether, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Jonathan O. Mosely, Roger Nelson, Thomas Newton, jr., Gideon Olin, Timothy Pitkin jr., John Pugh, John Randolph, Thomas M. Randolph, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, John Russell, Peter Sailly, Thomas Sammons, Thomas Sandford, Martin G. Schuneman, John Smilie, Henry Southard, Richard Stanford, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, David Thomas, Philip R. Thompson, Thomas W. Thompson, Uri Tracy, Philip Van Cortlandt, Killian K. Van Rensselaer, John Whitehill, David R. Williams, Alexander Wilson, John Winston, and Thomas Wynns,

NAYS—John Campbell, Martin Chittenden, Charles Goldsborough, Isaiah L. Green, David Hough, Joseph Lewis, jr., Jeremiah Nelson, Josiah Quincy, James Sloan, Samuel Smith, Joseph Stanton, and Joseph B. Varnum.

The bill was then ordered to be engrossed for a third reading without a division.

Mr. J. RANDOLPH moved that it should be read a third time to day.

Mr. CROWNINSHIELD named Tuesday.

The question on the last motion was passed in the negative without a division, as was that for reading the bill on Monday, when the motion to read it to-day was carried without a division.

The bill was immediately brought in engrossed, and read a third time.

Mr. SLOAN said he should vote in the negative, not because he was against the principle of the bill, but the time. He thought it ought to be kept in the power of the House to the end of the session.

Mr. Alexander said he did not know whether it was in order, in this state of the bill, to offer an amendment, with which the bill would have his hearty vote. The amendment, he considered necessary, had been alluded to by the gentleman from Virginia. So far as he had reflected on the subject he thought the period of suspension in the bill sufficient. But he was of opinion that a suspending power should be vested in the President, in case necessity should require its exercise. He was of the same opinion last session; and had such a provision been then introduced, it would have superseded the necessity of this act.

Mr. Smilie remarked that he would not undertake to say that some other steps might not be necessary before they rose. But there was no necessity for taking any other step at present. He thought it would be improper to take any further steps at present.

The question was then taken on the passage of the bill by yeas and nays—yeas 101, nays 5, as follows:

Yeas—Evan Alexander, Willis Alston, jun., Isaac Anderson, Joseph Barker, Burwell Bassett, George M. Bedinger, Silas Betton, Barnabas Bidwell, John Blake, jun., Thomas Blount, James M. Broom, Robert Brown, John Boyle, William A. Burwell, William Butler, G. W. Campbell, John Campbell, Levi Casey, John Chandler, Martin Chittenden, John Claiborne, John Clopton, Frederick Conrad, Orchard Cook, Leonard Covington, Jacob Crowninshield, Richard Cutts, Samuel W. Dana, Ezra Darby, John Davenport, jun., John Dawson, Theodore Dwight, Elias Earle, Peter Early, James Elliott, Caleb Ellis, Ebenezer Elmer, William Ely, John W. Eppes, William Findley, James M. Garnett, Charles Goldsborough, Peterson Goodwyn, Silas Halsey, Seth Hastings, James Holland, David Holmes, James Kelly, Thomas Kenan, Nehemiah Knight, John Lambert, Joseph Lewis, jun., Henry W. Livingston, Edward Lloyd, Duncan MacFarland, Robert Marion, Josiah Masters, William McCreery, David Meriwether, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Jonathan O. Mosely, Jeremiah Nelson, Roger Nelson, Thomas Newton, jun., Gideon Olin, Timothy Pitkin, jun., John Pugh, Josiah Quincy, John Randolph, Thomas M. Randolph, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, John Russel, Peter Sailly, Thomas Sammons, Thomas Sandford, Martin G. Schuneman, John Smilie, John Smith, Samuel Smith, Henry Southard, Richard Stanford, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, David Thomas, Philip R. Thompson, Thos. W. Thompson, Uri Tracy, Philip Van Cortlandt, Killian K. Van Rensselaer, John Whitehill, Alexander Wilson, Joseph Winston, and Thomas Wynns.

Nays—Isaiah L. Green, John Hamilton, James Sloan, Joseph B. Varnum, and David R. Williams.

Monday, December 8.

Another new member, to wit: John Porter, from Pennsylvania, returned to serve as a member for the said State, in the place of Michael Leib, who had resigned his seat, appeared, produced his credentials, was qualified, and took his seat in the House. Several other members, to wit: from New York, Eliphalet Wickes; from Maryland, John Archer; and from North Carolina, Marmaduke Williams; appeared, and took seats in the House.

Mr. Darby presented to the House a petition of the members of the Baptist congregation, in the City of Washington, in the Territory of Columbia, signed by order and in behalf of the said congregation, by Thomas Carpenter, and others, which was received and read, praying that an act of incorporation may be passed, vesting in the said church such powers, privileges, and immunities, as Congress in their wisdom may deem proper, for the benefit and advantage of the said congregation.

Ordered, That the said petition be referred to Messrs. Darby, Archer, and Seaver, to examine and report their opinion thereupon to the House.

Mr. Boyle, from the Committee on Public Lands, made a report on the petition of sundry inhabitants of Ovid, in the State of New York, requesting permission to purchase an entire township of land on the White or Wabash river, in the Indiana Territory. The committee observe that as, under the existing provision of law, the right exists to purchase an entire township, with the exception of the reserved sections, they presume that the object of the petitioners, though not specified, is to make the purchase on lower terms than are ordinary. Considering an adherence to the established terms of great importance to the public interests, they recommend that the petitioners have leave to withdraw their petition.

In this report, the House concurred.

DEPOSITS OF PUBLIC MONEY.

Mr. Crowninshield submitted the following:

Resolved, That the Secretary of the Treasury be instructed to furnish the House of Representatives with a statement of the amount of deposits of the public money in the United States and other banks, for the three last years, together with an estimate of the balances in favor of the United States remaining in the said banks respectively for that period, distinguishing the amount in each year.

Mr. C. said, he would candidly inform the House what his views were in offering this motion. His object was to draw a revenue from the balances which might be in the banks, by taxing the Bank of the United States, and other banks with an interest on the amount of the public money in their hands. He had made a calculation, from which he inferred that the amount of balances in their hands for the three last years averaged the sum of between three and four millions. If a charge of six per cent. interest were made on this amount, it would produce a revenue of from one hundred and eighty to two hundred and fifty thousand dollars. Mr. C. said he thought this as fair a source of revenue as any other which could be named; it was certainly as fair a one as articles imported from foreign countries. It was unnecessary at this time to make further explanations. He hoped the House would permit the resolution to pass, that they might have laid before them the information on which he meant to predicate his plan.

The House immediately took up the resolution and agreed to it without a division.

Mr. D. R. WILLIAMS observed that, from an apprehension of the state of the ceiling, he had kept his seat not without considerable alarm. This induced him to offer the following resolution:

Resolved, That the Speaker of this House be authorized to cause immediate measures to be taken for pulling down the plastering, or otherwise securing the ceiling of the Chamber in which the sessions of the House are now held.

A conversation of some length took place on this motion, in which it was stated that, notwithstanding the assurance of the Surveyor of the Public Buildings, the plastering of the ceiling presented strong indications of insecurity, so much so as to have swagged in some places more than half an inch; that in another part of the House it had actually fallen, and that the examination, on which the opinion of Mr. Latrobe was grounded, having been so long ago as the year 1805, could not give any satisfaction as to present security. When the question was put, and the resolution agreed to—ayes 59, noes 34.

A motion was made to adjourn over till Friday, but withdrawn, that the SPEAKER might have time before the meeting of the House to-morrow to gain the necessary information as to the steps proper to be taken.

TUESDAY, December 9.

The SPEAKER laid before the House the result of the examination made in his presence by the Clerk of the Public Works relative to the situation of the ceiling of the House, as well as the written replies made by the Clerk to sundry questions put to him, the purport of which is the preponderating opinion of the Clerk that the ceiling is secure. This opinion is however qualified by a doubt with respect to the safety of a part of the ceiling. The Clerk further states, that to secure this part of the ceiling will require two days, and that securing the whole will take a week.

After some conversation on the subject, Mr. ELY offered a resolution for suspending all further proceedings under the order of yesterday, which was negatived—yeas 40, nays 51; the Speaker having previously intimated to the House that unless special order was taken by them he should cause, as soon as an adjournment took place, measures to be taken for securing the ceiling.

Mr. BIDWELL, from the committee appointed on the third instant, presented, according to order, a bill to revive and make permanent "An act to prescribe the mode of taking evidence in cases of contested elections for members of the House of Representatives of the United States, and to compel the attendance of witnesses," and in addition to the same; which was twice read and committed to a Committee of the Whole on Friday next.

On motion of Mr. LATTIMORE,

Ordered, That so much of the petition of the Legislative Council and House of Representatives of the Mississippi Territory, presented to this House on the twenty-fifth of January, one thousand eight hundred and five, as relates to the establishment of a hospital at the town of Natchez; an increase of the salaries of the Judges; and an extension of the right of suffrage, in the aforesaid Territory; be referred to a select committee; and that Mr. THOMAS M. RANDOLPH, Mr. LATTIMORE, Mr. TAGGART, Mr. WICKES, and Mr. HAMILTON, be the said committee.

On motion of Mr. CLARK,

Resolved, That the Committee on the Public Lands be directed to inquire whether any, and, if any, what, alterations are necessary in the act for ascertaining and adjusting the titles and claims to lands within the Territory of Orleans, and District of Louisiana; and to report thereon by bill or otherwise.

Mr. LEWIS, from the committee appointed on the fourth instant, presented a bill authorizing the erection of a bridge over the river Potomac, within the District of Columbia; which was read twice and committed to a Committee of the Whole on Thursday next.

On motion of Mr. JEREMIAH MORROW,

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of offering for sale the public land situate between the United States' military tract and the Connecticut Reserve, to which the Indian title has been extinguished; and that they report by bill or otherwise.

Mr. J. CLAY remarked that under an existing rule of the House, the member first named on committees was the chairman, unless another member was chosen by the committee; and that he was instructed to state that, in virtue of the last provision, the Committee of Ways and Means had appointed Mr. J. RANDOLPH, chairman.

WEDNESDAY, December 10.

On motion of Mr. THOMAS,

Ordered, That the report of the Commissioners under the act, entitled "An act for the relief of the refugees from the British provinces of Canada and Nova Scotia," which was made to this House on the twenty-first of April last, be referred to Mr. THOMAS, Mr. WILSON, and Mr. GREEN, with leave to report thereon by bill, or otherwise.

THURSDAY, December 11.

Another member, to wit: JOHN G. JACKSON, from Virginia, appeared, and took his seat in the House.

Mr. J. CLAY presented to the House a petition of sundry patentees, whose names are thereunto subscribed, praying the privilege of a renewal of their patent for a second term, after the expiration of the first, for the exclusive enjoyment of their respective discoveries and improvements, they paying therefor, into the Treasury of the

United States, such sums as may be deemed just and reasonable.—Referred to Mr. J. Clay, Mr. Jones, Mr. Livingston, Mr. Alexander, and Mr. Elmer; to examine and report their opinion thereupon to the House.

On motion of Mr. Stanton,

Resolved, That a committee be appointed to inquire whether any, and, if any, what, description of claims against the United States are barred by the statutes of limitation, which, in reason and justice, ought to be provided for by law; and that the said committee have leave to report thereon by bill, or otherwise.

Ordered, That Mr. Stanton, Mr. Tenney, Mr. Stedman, Mr. Chittenden, Mr. Dana, Mr. Tracy, Mr. Lambert, Mr. Pugh, Mr. Broom, Mr. Nicholas R. Moore, Mr. John Morrow, Mr. Stanford, Mr. Thomas Moore, Mr. Meriwether, Mr. Rhea of Tennessee, Mr. Bedinger, and Mr. Jeremiah Morrow, be appointed a committee, pursuant to the said resolution.

AMENDMENT TO THE CONSTITUTION.

Mr. Clopton.—Mr. Speaker, I take this opportunity, when the attention of the House is not occupied on any particular subject, to submit a resolution, the subject-matter of which I consider to be of very great importance. Before, however, I introduce to the notice of the House any specific proposition, I would observe that, when the subject shall be discussed, if discussed at all, I apprehend that it may meet with some objection on a general ground, on which, most probably, objection would be raised against any measure whatsoever of the nature of that which I am about to propose. If the ideas I entertain of its expediency arose merely from my own speculative views of the proposition and the subject with which it is connected, however clearly I might be convinced of that expediency, I might nevertheless distrust the propriety of such conviction, so far at least as not to be induced thereby merely of itself to bring forward the proposition: but a conviction scarcely susceptible of any distrust at all, and far more impressive on my mind; a conviction, which has resulted from experience, induces me to offer the proposition; and in doing so, I feel much more of duty than of any other impulse.

The proposition, which I have thus deemed it my duty to submit to the consideration of the House, might appear sufficiently expedient in consequence of certain measures adopted some years ago, had no subsequent circumstance enlarged the evidence of its expediency; but recent, very recent circumstances present themselves to my mind as additional proof of that expediency. Sir, in the instances I have alluded to, we have witnessed a striking exemplification of the truth of that maxim, which ascribes to experience a standard the least fallible of any by which human institutions can be tested. It is from experience only that defects are often discovered in the wisest of establishments. This unfolds the latent sources of evil, which could not have been traced by the most penetrating foresight. The efforts of genius, however great, and of patriotism, however pure, cannot always secure the ends they propose. Means apparently infallible are found either to be inadequate to the end, or to contain within themselves the very instruments by which they are defeated. Imperfections overlooked and believed not to exist, until experience rends the veil, are then disclosed and glare before us. And, sir, amongst all the institutions of men there are none, perhaps, in which their defects generally lie so much enveloped, as in those of a political nature, until they are thus disclosed.

I have said that I anticipate some objection upon a ground, on which, most probably, objection would be raised against any measure whatsoever, of the nature of that which I am about to submit to the consideration of the House. Should this, however, be the principal ground of opposition, if the object of the proposition should be deemed desirable, that ground, I might reasonably presume, will be abandoned as untenable.

I have been led, sir, to conjecture that opposition of the nature of that which I have suggested, might be expected from recollection of a former occasion, when an amendment to the Constitution of the United States was under discussion. On that occasion, the House was admonished against innovation, as it was called, and solemnly advised, on no account whatsoever, to touch the Constitution. This was done, although the proposed amendment had been long promulgated to the American people; although the public sentiment had been clearly ascertained to be in its favor, and although eleven successive amendments had been introduced into the Constitution without a shadow of inconvenience, or the smallest degree to the disturbance of the public tranquillity. Had the Constitution been adopted without any provision for future alterations, and none were attainable but by immediate resort to revolutionary principles, opposition made upon that ground would then, indeed, merit serious notice. But a provision wisely and completely guarding against every event of that sort, composes a part of the Constitution. Fortunate provision! Happy Americans, who enjoy the benefits of that provision! Who, when experience points out defects in their great political code, without a resort to first principles, without the smallest danger of those revolutions which shock and convulse other nations, with calm and tranquil serenity, may correct whatever needs correction, and ameliorate their system. Far from being dangerous, therefore, to introduce any amendment, where it shall have been found by experience to be really expedient, the introduction of it will be a salutary step; may be the happy means of averting danger in future times, and of removing a source of evil which, were it to continue, might diffuse its streams through the whole *body politic*. Under this impression, and from a belief that a certain part of the Constitution requires amendment, with permission of the House, I shall introduce a resolution which has that for its object. The amendment which is desired, will not however introduce any new principle into the Constitution, nor any way increase the powers of the Federal Government, should it be adopted. The object of it is solely to secure an adherence to that fundamental principle which forms its true federal character. And because it is believed there have been deviations from that principle; that certain measures, which have been alluded to, were the offspring of a power not within the scope of that principle, but entirely without the sphere of the federal authority; because, also, the exercise of such a power was grounded on a peculiar construction given to one clause in the Constitution, the proposition now intended to be submitted is of such a nature that, on the decision of it, Congress will determine whether such a modification of that clause shall be proposed to the States as shall render it less susceptible of such construction. The clause I mean, is the eighth section of the first article of the Constitution, expressed in these words:

> "To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof."

The construction which has been given to this clause, in the cases alluded to, was, that it conveys to Congress a right to make any laws whatsoever, which they should determine to be expedient for carrying into execution the powers enumerated in this section, or in any other part of the Constitution, whether such laws should have any sort of relation to, or connexion with, any of those enumerated powers or not. Under this construction the ever-to-be execrated sedition act was passed; it was passed as a measure expedient, necessary, and proper, for carrying into execution the said enumerated powers, with none of which powers had it any more connexion than pitchy darkness has with the blaze of a meridian sun.

Such a latitude of construction at that time excited a considerable degree of alarm in the minds of those who were impressed with a belief of its dangerous tendency. To them nothing could have been more desirable than such a correction of the clause as would have restricted the construction of it to limits merely commensurate with the powers expressly delegated; but the then existing state of things precluded every ray of hope that any attempt to obtain such correction at that time could be successful. A different state of things exists at present, it is true, and I hope there is no disposition to resort to a system of policy like that which dictated those measures. Yet, it should be remembered, there is a "tide"—there is a flux and a reflux in the affairs of men; and, although the political aspect, which was then gloomy and menacing, has disappeared; and we have perceived in place of it a bright and auspicious prospect; yet no one can ascertain how long will be its continuance. No human foresight can reach to all future time; to no human being belongs the keen, intuitive faculty of exploring every momentous event, which may take place in the course of a long succession of periods yet to come. Indeed, sir, I should utter no calumny on human nature, were I to say that the book of futurity remains completely shut from the view of the most inquisitive, the most penetrating eye, until each leaf successively opens and discloses its contents. What are our pre-conceptions of the events of any period before they actually come to pass? What are they more than conjectures? What more than mere expectations that certain effects will be produced by certain causes, which we believe to be naturally adapted to the production of such effects? But how often are these expectations disappointed! Look into the volume of history, which records the transactions and the events of past times, and how frequently is it to be seen that one generation of men had experienced a state of things widely different from what had been expected by the preceding generation, and the very reverse of what the existing state of things in their time had seemed to promise them!

So long as man continues to be what he is, taken in a collective, national capacity, revolution of sentiment may be expected to attend him; and in the administration of his government, one uniform unvarying course of procedure is a phenomenon scarcely to be imagined—certainly, never yet experienced for any great length of time—unless, indeed, it is to be found in the gloomy recesses of despotism. In countries over which that species of government, or rather that abuse of all government, stretches its iron sceptre, and by establishing a perennial system of universal fear, maintains an absolute control over the public sentiment, the despot, who by his nod rules everything, may direct his proceedings in one uniform course. Nowhere else is such an uniformity of procedure to be found. In those devoted countries, the springs of human action are bound down so closely on all sides, that no room is left wherein to move themselves. An universal dread of the tyrant stupifies and hushes the whole nation into a state of dead, listless, quietism, and profound apathy; consequently, there cannot exist any external cause by which the tyrant can be influenced to vary his course, otherwise than according to his own will and humor. Yet, even in those unfortunate regions, the bandages of oppression are sometimes drawn so severely tight, and strained to such an excessive degree, that they are snapped, and afford a temporary relief to the wretched subjects. The springs of action for a moment recover a portion of their natural elasticity, and expand themselves so far, at least, as to produce a revolution in the Government. Scarcely ever is any other sort of revolution produced in those countries.

But in a free country, a country really free, where public opinion cannot be repressed, where public sentiment cannot, and should not be controlled, revolutions of that sentiment—as they will happen, more or less frequently, according to the ruling temper of the nation—influence the government, and occasion changes or alterations in the administration of it, without affecting the existence of the government at all.

There is, however, to the American people, a peculiar source of consolation in the rational and just principles of the system which they have been wise enough to establish. These principles serve as an elevated and luminous beacon, by looking to which, those who have direction of the vessel of State may easily and safely guide it amidst the rocks and shoals whereon so many have been wrecked. These principles enlighten the paths that lead to public happiness, and render them infinitely plainer, and more easily to be traced, than they are found to be on any other portion of the globe. This, then, is a great and singular advantage attending our admirable system—that the strictest adherence to its real principles, is the easiest and most direct way towards promoting the general interests, tranquillity, and happiness of the people. It may, perhaps, be laid down as a correct position, that the duration of public sentiment, in favor of public measures, will generally be commensurate with the time during which those measures are such as promote the general interest and happiness of the people. Since, then, of all systems in the world, the American system of government is the best calculated for an easy attainment of these objects, proportionably greater in this, than in any other system, is the probability that these objects will be pursued in the administration of it. Hence, also, in the same proportion, is the prospect that public sentiment will be less liable to fluctuation here, than under any other government where the public feelings are allowed to express themselves.

But, nevertheless, sir, is there an absolute certainty that the administrators of that system will be always invariably guided by its principles; or that, plain and direct as is the way that leads to public happiness, they will never pursue any other course? Is there an absolute certainty that every measure, of every set of men who shall hereafter succeed to the administration, will promote the general welfare in all respects, and be perfectly conformable to those rules of economy which are essential to the prosperity of a government like this, and equally essential to the general happiness of the American people? Can such an inference be clearly and undeniably drawn from correct views of human nature, or from a general experience of the political transactions of mankind? No sir! And, although from the principles of this system, and from the virtue of the American people, there is far better security for an easy attainment of every desirable object of civil government here, than anywhere else; yet this security is not completely infallible. It cannot be expected that no vicissitude in the political affairs of this country, that no revolution of public sentiment will hereafter take place. Already have we experienced an important change. Already have we experienced a change amounting to a complete revolution of sentiment, as to a great portion of the American people, and to a complete reversal of the prominent measures of administration. I have rejoiced, sir, and do rejoice in this change, as a grand amelioration of measures. I rejoice in the auspicious state of things which it has produced. I have trusted, I have believed, and I hope, that it rests on a basis which will render it durable; yet, I have no right to flatter myself it will always continue to be such. What has once happened, may happen again. What has been once done, may be done again, and may be expected to be done again whenever the same disposition shall exist in the agents, if the authority remains the same. The construction which has been given to the clause, I have read, in the cases alluded to, and under which construction, such a latitude of power has been assumed as may be given again to that clause; and the same, or even a greater latitude of power may be actually exercised under such construction, if the clause remains as it is. It is possible that we may feel the lash of another sedition act, or something more terrible, in its provisions. Indeed, sir, I wish there may be no reason to apprehend that the period may not be very far distant when we may experience a reflux, a sad reflux of things, and behold our political horizon again darkened and menacing.

That the clause I have read, should be liable to receive a construction so broad and extensive is, perhaps, not very much to be wondered at, when we consider the strong propensity existing in human nature to grasp at unwarrantable power; and when, indeed, frequent experience manifests too much inclination to adopt measures which appear expedient, without strictly examining whether such measures are authorized by the Constitution or not. There is something fascinating in the possession of power. When no limits are fixed to the exercise of it, everything within its reach is legalized according to the will of the possessor. This is, to him, the only standard of moral rectitude. In the scale of human actions, those which are forbidden by the eternal, indefeasible laws of nature and of reason, are confounded with those which these laws admit. These laws, which should be universally obligatory on all in power, and all out of power, and which may be rightly called the great charter of the human race, are, by this arbiter, this will, so construed as to have no binding force at all. The suggestions of this arbiter decide the fitness of every act throughout the scale. By these, the life of a man and the life of an insect are often placed in the same degree of estimation. By the decisions of this tribunal, all principles are confounded, and everything is rendered lawful to the sovereign. As he wills any act, so it is to be done, as expedient to display his power and to maintain his dominion. Such is the case in despotic governments, and hence, sir, it should be deduced, as an incontrovertible maxim, that, in every government intended to be limited in its powers, it is essential clearly to define those powers. This is necessary in governments, the powers of which are designed to be much more general and extensive than those of the federal Government of these States. How important, then, is it, that the powers of this Government, limited as they are in so peculiar a manner, should be marked out with such clearness and precision, that those who administer the Government may not, at any time, without manifest and glaring violation of its essential principles, exercise any power not intended to be delegated to them! With a view to this object, I wish to submit this proposition, believing as I do, that under some general expressions, perhaps not sufficiently explicit—contained in the clause which I have read—a power has been exercised which was never intended to be vested in any department of this Government.

In submitting this proposition, sir, I solicit the indulgence and patience of the House, while I take a view of the nature, the powers, and genuine principles of the Federal Constitution, as I understand them to be; and of its relation to the States. In this view, I trust, those powers, those principles, and that relation, will be laid down not incompatibly with the general understanding of them by the American people. I believe I shall be strictly conformable to its essential principles when I say that this Constitution does not extend its authority to the utmost limits of civil jurisdiction—that it embraces not all the objects of civil rule or authority—that it does not give to this Government a right to exercise every species of power existing under the Governments of these American States, that it conveys not to it an authority to perform all the functions of sovereignty—that it restrains, it confines, it limits the authority of this Government to certain delineated objects—that it confers upon it certain particular powers, all which are distinctly enumerated and specified—that these powers, and these alone, it delegates to this Government—that it does not assume the broad and extensive principle that all powers are granted to this Government, which are not expressly reserved to the States or to the people of the States—that directly the contrary principle constitutes its very essence. This principle is, that all powers are reserved, which are not expressly granted to the Federal Government, or expressly prohibited to the States. So far from leaving the States, or the people of the States, in possession of no other powers or rights than those which are expressly reserved to them, this Constitution contains no express reservation at all, except in one single clause, which reserves to the States the right of appointing the officers of militia, and of training them according to the discipline prescribed by Congress. This, I conceive, was done, because such a right was deemed proper to be retained to the States, and inasmuch as it is a right incidental to that of providing for organizing and disciplining the militia, which is expressly granted to the Federal Government, as means of enabling it to command the force of the nation for the common defence of all the States; this right might be construed to pass over to the General Government along with the last mentioned power, were it not positively excluded from the grant. It were, indeed, entirely needless, unless it should be for the purpose of guarding against constructions no way compatible with the genius of the Government, to make any such reservation. For, sir, the specification of particular powers is itself an exclusion of all other powers—it is a positive limitation of the authority of this Government to those particular specified powers. This principle manifestly appears from the organization of this Constitution. From the plan, from the scope, from the nature, from the design of it, we may trace this principle too plainly and too distinctly to be mistaken. It is stamped on the face of the Constitution in bright and shining colors—it is engraved on it in characters too strong and too splendid to be misunderstood.

I have taken this view of the Constitution, because this great principle was co-existent with the Constitution itself, and because the tenth amendment, which declares that "the powers not delegated to the General Government, nor prohibited to the States, are reserved to the States or to the people respectively," did not create this principle; but is only a recognition of it, which has been deemed proper to be inserted, lest a spirit of innovation, indulging itself in regions of wild, fanciful, extravagant theory, might give a construction as to the *quantum* of powers delegated to the Federal Government by the Constitution, and as to the powers retained to the States, totally incompatible with the universal understanding of the American people thereon at the time of its adoption.

Why, sir, did the framers of this Constitution so nicely construct its material parts? Why was it drawn with such precision, such exactness in the limitation of its powers, and on such peculiar principles? For this very manifest and important reason—that as little danger as possible might result from constructive interpretation—to guard it in the most effectual manner discernable by human foresight against such constructions as would give to it a consolidating tendency. But every act of the Federal Legislature, which invades the independence of the States, whether it assumes jurisdiction over objects of the greatest importance, or whether it assumes jurisdiction over objects of small consequence, will have that tendency; inasmuch as both of these descriptions of acts are bottomed on the same destructive principle—both gravitate towards the same centre—both have a direct tendency to destroy the State institutions. The difference between them consists merely in the degree of rapidity with which that work of destruction would be wrought by measures of the first description, and the degree of rapidity with which it would be compassed by those of the latter description. A bold and gigantic stride of usurpation might at once totter the State fabrics to their very bases, and soon level them with the face of the earth; whereas, encroachments commencing in smaller violations of State authority, and progressing step by step, would gradually and almost imperceptibly undermine and loosen their foundation. The operation in such instances, although it would be slower, yet perhaps, might not be the less sure of finally producing their total destruction. Indeed, sir, every act, which assumes a power not granted, is a step towards consolidation. It wrests from the State Governments a portion of that *residuum* of authority which remained to them when the Constitution was adopted. Such encroachments cannot be made without extreme danger. For one assumption always furnishes a precedent for another assumption; this again becomes ground for further infringements on State authority; thence ensues a regular progression of encroachment after encroachment, until at length the States are stripped of every species of authority, which can deserve the name of Government. All these acts of Federal usurpation, while they are drawing into its vortex this great accession of power, are weaving around the State institutions the web of destruction. Although dreadful may be the struggle—dreadful may be the scenes exhibited on the theatre of the American world before this will be entirely drawn over the States—yet, sir, it may be done. After a continued series of such encroachments on their rights and authorities, from the state of insignificancy, into which they will then be sunk, they may be permitted to merge into the general mass. As institutions no longer worth the expenses requisite for their maintenance—as of too little consequence to merit any further support, they may be given up, suffered to lose all their energy, and at length their very existence, as waves, which appear for a while on the surface of the ocean, subside into its immense bosom, and disappear entirely.

Should this melancholy state of things ever arise, what will be its ultimate issue Heaven only knows. Whether this great and flourishing country, which, at this time, sheds its glories far, very far, beyond the limits of its own territories, will then continue to be the fair nursery of liberty, or whether it will become the frightful seat of political slavery; whether, indeed, the very great, the beloved, the inestimable principle of representation itself, the discovery of which has been of infinitely more importance to the political world than the art of navigation has been to the commercial world—of infinitely more importance than any art ever was to the human kind—a principle without which, under whatever form a Government may exist, it is impossible that liberty should exist, except it be in a perfect democracy; every idea of whose existence under any other Government destitute of that principle is perfectly chimerical; every such Government, be its structure whatever it may, which pretends to maintain its existence, verily indeed exhibits one of the merest farces that ever appeared amongst the scenes of any political drama; whether, I say, this all-important principle will then continue to actuate the Government of this country, or whether it will cease to maintain its just empire, lose its energy, and even at length be spurned from the American shores, in order to make way for the introduction of a monstrous system, which reverses the natural order of things—transfers the sovereignty from the people, who alone are the natural, who alone can be the legitimate possessors of it—places it in the hands of an individual—fixes a diadem on his head; and that bauble, according to the principle then brought into operation, communicates to him the whole majesty of the nation, which is transmitted as an inheritance through his family from generation to generation, whether the heir, on whom the inheritance should devolve at any time, be a knave or a fool; and by the history of mankind it is shown to us that very often these possessors of the sovereignty of nations completely unite in their own persons both of these characters. Sir, what appellation shall I give to a system like this? A system as truly preposterous in its nature as it is tortuous and wrongful in its operation; but to which, nevertheless, a vast portion of the human race have been blindly devoted from the earliest ages of society down to the present day. That very circumstance, however, contributes not a little to the appreciation of the American system. That it has been the peculiar felicity of the American people to understand their own rights—to institute governments better adapted to the important purpose of securing to themselves a permanent enjoyment of those rights than nations of the old world ever have done; and, moreover, to derive additional benefits from the happy combination of a Federal Government with those of the particular States, are all circumstances which eminently characterize this system, and distinguish it from every other political establishment. While, far from rejoicing, we deeply lament that the ancient darkness which had bound the world in chains for more than forty centuries, still covers an immense portion of the globe, where everything exists under the gloomy reign of despotism; the republican principle, maintained in its genuine spirit, like a rich gem placed in the midst of a rude collection of worthless things, must shine with augmented brilliancy, when viewed in contrast with so many horrible systems containing not a single trait which resembles the faintest outlines of liberty—not one of its dimmest features—but exhibiting on every side vast multitudes in all the variety of wretchedness, who never tasted of any other than the bitter cup of slavery!

Oh! sir, how supremely valuable ought our happy institutions to be esteemed! What ardent zeal should animate our efforts to preserve them unimpaired—to cherish and cultivate their vital principles in their original purity and perfection—to transmit them down to posterity untainted by corruption, unassailed by violence!

Sir, while I express these sentiments, under a full persuasion that I shall not be contradicted as to their propriety, I cannot but believe that I may also affirm, without fear of being refuted in opinion by many, that, amongst the excellencies of the Federal Government, there is none more important—there is none more valuable, than its limited character as it respects the State authorities. Vested with powers duly proportioned to its own proper objects only, which are of a general nature, and alike regard all the States, it leaves them in full possession of their own sovereignty; while, on the other hand, amongst the powers surrendered up by the States to this Government, there are very few but such as, if exercised by either of the States individually, might materially affect the interests, and in some instances endanger the safety of the other States. Thus each individual State participates in the benefits resulting from the united and combined energies of the whole; while it retains the right of sovereignty, and all the powers requisite for a complete administration of its own affairs. Here, then, is the true character of the Federal Government. The powers properly appertaining to it are limited to those which are purely of a federative nature, and to such as the States by this compact have consented to yield up to it for the common benefits of the Union. The former could not be communicated to, nor be exercised by, either of the States individually, without destroying the independence of the others. The latter, if not thus yielded up, might be exercised by any of them to the detriment of the rest. Thus it is that each particular State, by consenting to yield up to the Union those powers, and those alone, the retention of which might be injurious, provides for itself a security against injuries by the same act which divests itself of the power to injure either of its sister States; while the Federal Government derives from this cession no manner of right to trench upon those powers which have been deemed proper to be retained to the States—no manner of right to diminish their sovereignty as distinct independent States.

What is the relation, therefore, which subsists between this Federal Government and those of the particular States? If its true character be such, as has been stated, (and this, I think, will not be denied, or, if denied, I would challenge the most subtle genius who ascribes to it more extensive powers, to support such a position without utterly demolishing the fundamental principles of the Confederacy) this Government cannot justly claim to itself the supremacy of a paramount government with a right to restrain and control the States in the exercise of their own legitimate powers; those powers which remained to them when the Constitution was adopted. To exercise such an authority over them would be to destroy their independence; totally to annihilate their sovereignty as States. For one sovereignty cannot exist under the dominion of another sovereignty. The subjection of one power to the control of another power, another separate overruling authority, supposes a state of subordination in the former power, and that all supremacy resides in the latter. Should it be imagined, therefore, by any one that such a sort of power over the States exists in this Government, and that, nevertheless, they retain any portion of their original sovereignty, of a more complete absurdity it is not within the compass of the human intellect to conceive. It is, then, unquestionable that either this Goverernment possess no manner of control over the States, as such, or the States possess no manner of sovereignty as States; but that they do possess ample rights of sovereignty, I believe will not be denied by any one. It follows then, of course, that any attempt in this Government to exercise such controlling authority over them, would be an attempt to destroy, and the actual exercise of such authority would actually destroy their sovereignty as States. So also, the assumption of any powers properly appertaining to the States, and not granted to this Government, is an invasion of their sovereignty. A series of such invasions in progression must have a fatal tendency to produce the same effect, as a general controlling authority; and must ultimately operate a destruction of the State institutions. In what relation, therefore, to each other and to the Federal Government, which connects them together, can we view the members of this grand Confederacy, but in that of so many distinct independent communities? In this relation they all stand, as well to the Federal Government as to each other. In this relation alone can they be justly viewed. They are not only distinct from, and independent of, each other, though connected together in this Confederacy: equally are they distinct, from, and independent of, this General Government, though connected together by it. To cement this connexion between them, as so many distinct, independent communities, was indeed the original and primary object of this Government. From such connexion between independent States retaining their distinct separate governments, it has been rightly judged by the people of these States, that greater benefits might result to each and to all of them, than could be expected without any connexion at all—greater, too, than could be expected to flow from any connexion founded on different principles. Hence arose the institution of the present system of Government. A system analogous to which the annals of man, either ancient or modern, scarcely presents us with the smallest traces of any other. Such, then, being a leading principle of this Government, and the objects of it being special or particular, as before observed, its limited character, as it respects the State authorities, must necessarily be one of its principal distinguishing properties, otherwise it would not be conformable to that principle. It is essential to the prosperity of the Union that this character be preserved—it is essential to the happiness of the American people. Let not this Government, therefore, assume to itself any power, in the exercise of which this character will be changed—the true relation between this and the State Governments will be entirely destroyed. Let not this Government, proud in the contemplation that the arm of its authority extends over this great continent, disregard State rights, and take upon itself the exercise of powers which the Constitution has withheld, wisely withheld from it, and retained in other hands. Let it not forget its own true character; but always recollect that, although its authority extends to all the United States generally, yet it is not a general authority, but an authority special, and limited to particular objects. It should ever be remembered, also, that, between this Government and the States, mutual and reciprocal duties and obligations have arisen from the compact, by which this Government was established. It is no less incumbent on the Federal Government to confine itself within the sphere of its own appropriate powers, than it is incumbent on the States not to attempt the resumption of any of the powers which they have surrendered up to this Government. The States are bound by the cessions they have made, and the Federal Government is bound to claim no more nor greater powers than those which have been ceded and granted to it. It is the duty of this Government to regulate its proceedings according to the measure of powers assigned to it under the Constitution; and it is the duty of the States to direct their operations to those objects only which peculiarly belong to them as distinct communities; equally is it the duty of each to move in its own Constitutional orbit. If either of them wanders from this course, the harmony of the whole system will be interrupted; and such interruptions must have a tendency to defeat the principal ends of its institution. I do not imagine, however, there is ground for apprehension that either of the States will attempt to invade the authority of this Government, or to resume any of the powers which they have surrendered up to it. This opinion, I think, will appear to be a rational one, when we consider the nature of the powers vested in the General Government—that they are of two descriptions, (as before observed,) some of them being of a nature purely federative, which never did appertain to the States, and cannot be exercised by either of them in its individual capacity; when we consider those of the other description, which originally did appertain to the States, and have by them been surrendered up to this Government; when we consider that the inducements to make the surrender arose from a conviction that the safety of each particular State was involved in the establishment of a firm union and connexion between all of them; that, to insure the attainment of this object, it was necessary to vest the Federal Government with those particular powers, thereby enabling it to combine the general interests of all the States as a means of cementing this political connexion between them, which otherwise could not be expected to be of any long duration. To suppose, therefore, that either of the States will attempt to make encroachments on the known established powers of the Federal Government, thus solemnly assigned to it under the Constitution, would be to suppose the existence of a very great degree of capriciousness in that State. Extreme, indeed, would be its folly and rashness in thus arraying itself against the Union, by endeavoring to repossess itself of powers so solemnly granted to this Government, with its own consent, and that of the other States, for the great purpose of securing its independence, and of promoting those general interests which appertain to itself, in common with all the other States. Scarcely can it be presumable that such a step, the evident tendency of which would be to contravene these purposes, will ever be taken by either of the States. Nor should it be presumed that the Federal Government will pursue an eligible course for effecting these purposes, by endeavoring to enlarge the sphere of its own powers, and to contract those of the States. The powers assigned to it under the Constitution are amply sufficient for all these purposes; and mistaken, indeed, is that zeal for the Federal Government, which would stretch its authority or extend its operations beyond its Constitutional limits; for there exists in the American people a jealousy for State rights and authorities. There is, sir, a jealousy, strong and vigilant—a jealousy which will take the alarm whenever these rights or authorities are invaded; in proportion to the extent of such invasion, it will be impassioned: and the dissatisfactions, which may be apprehended from such a state of public agitation, cannot be desirable to any real friend of the Union.

Sir, this jealousy is not merely attentive to the preservation of the existing State authorities from unconstitutional encroachments by the General Government; it is also averse to any Constitutional diminution of those authorities. It considers the powers already vested in the Federal Government, as fully adequate to all the purposes of its institution. I confess, sir, I am one of those who entertain this sort of jealousy; who have no wish that a single item should be added to the catalogue of powers already vested in the Federal Government; who believe that such a step would be dangerous; that the process, once commenced, might lead to more and more grants, until all real, efficient power would be accumulated together in the hands of the Federal Government, and the States be rendered perfectly contemptible. I confess, too, that I feel no satisfaction in seeing a committee raised on the idea of an addition to the existing powers of the Federal Government; and whatever may have occasioned this step, I cannot refrain from expressing my repugnance to it; on the contrary, I am induced by it to bring forward this proposition thus early in the session, and to declare these sentiments on the occasion.

Important, sir, was the epoch when this Constitution was proposed to the people of the several States for their consideration and adoption, if approved of. The world never witnessed a more august scene than what America then exhibited. Thirteen free and independent States engaged in the solemn act of deliberating on a system of General Government, which should draw around them a band of political union; which should render this a firm and durable band, and yet so as not to impair the individual sovereignty of the States, presented indeed a sublime spectacle. To investigate the principles of a system so new, so unprecedented, so peculiar in its nature, the strongest energies of the American mind were brought into action. It was an object of the most anxious inquiry whether this system, by providing, in the manner it does, for the great purposes of the Union, to which the then existing Confederation had been found inadequate, would not impair and ultimately destroy the sovereignty of the individual States. While the imbecility and inefficacy of that Confederation became a theme of universal lamentation, and produced a general wish that the ties of union between the States might be strengthened, every American heart felt itself deeply interested in preserving the State authorities; every heart glowed with ardor for the perpetuation of that species of political institution under which the people of the several States had maintained their civil polity during their arduous contest for independence. This great, this unprecedented act of sovereignty, therefore, which gave existence to this system, was not performed without a pause—solemn pause—an awful apprehension that possibly the powers to be delegated to the Federal Government by the proposed Convention, might have a tendency to shake the foundation of the State governments, and finally produce a consolidation of all the States into one extended empire. Hope and fear alternately affected the public mind during this important crisis; hope that the system would operate the desired effect for the joint benefit of the Union and of the States; fear that it might absorb all State authority, and eventually defeat the best ends of its institution. Its peculiar organization, its leading essential attributes, cautiously examined, deliberately and solemnly traced, recommended its adoption. From its structure and its principles arose the prospect of its utility, and on these the American people rested their hopes that the system would promote the general interests of the Union without abridging the independence or sovereignty of the States. May these hopes never be disappointed; may they be constantly realized!

That jealous affection for State rights and authorities, which I have mentioned, Mr. Speaker, has always existed. It is coeval in existence with the States themselves. It is a laudable jealousy. It is founded in reason and in nature. It is a jealousy resulting from fixed attachment to a great and acknowledged principle. That small Republics are most propitious to liberty, better adapted for its preservation, at the same time that greater security for good order in society is afforded than in those which govern the inhabitants of very extensive territories, is an impressive maxim, strongly inculcated on the American mind. The people of the several States, therefore, see in their State governments safe depositories of their civil rights and immunities; strong barriers against licentious interruptions of social order; convenient and easy modes of administering justice among themselves, and, indeed, of managing all their local affairs. Hence their fond, their invincible attachment to that species of government. Hence that jealous sensibility, which will ever be alarmed when this Government makes any encroachment on their rights or authorities. Hence, too, those struggles, those melancholy scenes, which may be apprehended before the people of the several States would submit to a dissolution of the State institutions, or acquiesce in a series of measures tending to deprive them of their appropriate powers, should so fatal a policy ever direct the councils of the Union. Should as fatal a policy ever direct the councils of the Union, did I say? Would to God that such a sort of policy had not already mingled with its councils. Could not such a sort of policy be traced in the doctrine deduced from the last clause in the eighth section of the first article of the Constitution (which I have read,) when by the construction given to that clause in the cases which have been alluded to, it was contended that the Federal Legislature possessed a right to pass any laws whatsoever, which they should deem expedient for carrying into execution the powers enumerated in that section, and all other powers vested in any department or officer of the Government, whether such laws should have any sort of relation to, or any manner of connexion with any of these powers, or not? Such, sir, was the construction given to that clause in those cases—a construction involving a principle of the utmost latitude admissible in a government of the most unlimited extent of jurisdiction. Admit this principle, sir, admit that the Congress should possess such a latitude of power, and what then would remain to the States? Would there be left to them any real, substantial power? No, sir. All might be grasped by the General Government. The plea of necessity and expediency might be extended to any lengths whatsoever, and applied to every possible subject of legislation; while nothing but the name, and hardly the name, of any power would remain to the States. Sir, can a construction, which expands the federal jurisdiction to such an amazing extent, be reconcilable to the true principles of the Confederacy? Can a construction thus transforming the Federal Government from a system of limited special powers into that sort which exercises every species of civil and political authority, be reconcilable to those principles? Sir, it would be the very height of absurdity to say that such contrarieties could be reconcilable; and should such construction of the clause I have mentioned, become the established construction of it, not a trace of those federal principles would be left. The States would become States in name only, and all the properties of a consolidated Government would spring into existence.

Many, sir, and truly deserved, are the eulogiums which have been bestowed upon the Federal Government. Beautiful is its structure; admirable are its component parts; justly may it be likened in its symmetry to whatever partakes of wisdom, to whatever is excellent in the contrivances of man; and if, among other objects of admiration to which it may be rightly compared, it may be said that this Government and those of the particular States, taken in conjunction, form a system in the political hemisphere not unlike that which in the natural hemisphere is exhibited by a grand primary planet, and its surrounding satellites; this comparison should nevertheless be drawn with some exception. For these States do not, like those satellites, shine with borrowed, reflected light, emanating from a great central planet. No, sir, they display a radiance solely their own. Their splendors issue from their own bodies. They are so many original sources of light and heat to the spheres within which they respectively act, illuminating and vivifying every thing therein; whilst the Federal Government by its influences duly dispensed unites the members of this constellation together in harmonious intercourse, and produces to the system the benefits of their collective energies. But suppose the Federal Government should extinguish the essence of the individual members to make up one entire body, it cannot impart their natural qualities to that single immense body. Their light, their heat—the glories, the excellencies of the whole system, I fear, would be forever gone! Indeed, sir, to my mind the very idea of consolidation is truly terrible; and should I be so unhappy as ever to see the time arrive when State institutions shall be done away, or when their energies shall be lost, I should expect soon afterwards to behold the dawn of that melancholy day, which in its meridian will blast the liberties of America, whose evening will close perhaps with their utter and eternal destruction, and be succeeded by a long, a dreary, a dismal, a tremendous night of despotism. I pray God that such a dreadful day may never be permitted to dawn!—that the American people, true to the memorable and glorious principles for which they fought, for which they bled, for which their fathers, their brothers died, may ever cherish, cultivate, and guard them, as well against the secret approaches of corruption as against the open assaults of violence, and effectually guard them against both!—that the arm of usurpation may never reach the State institutions, so essential to the preservation of American liberty!—that co-extensively with the duration of time itself, such institutions may continue to exist, retaining their full portion of energy in this grand and beautiful system; howsoever other systems, founded in erroneous principles, may shrink before the flame of ambition, or be shaken down by the storms of party; howsoever those which have arisen on the ruins of liberty may in their turn be subjected to other changes—howsoever they may experience a train of vicissitudes in the fluctuating course of human affairs.

Much, indeed, sir, might be said in favor of this system of Federal Government, as far surpassing anything of the sort which has ever yet appeared amongst the productions of men; but, being a production of men, it cannot be completely perfect. Admirable as it is, it is a system of experiment; and it is from experiment that its defects are to be discovered. Whenever, therefore, any defect is discovered, which threatens to be of dangerous tendency, I think it behooves this nation, as far as practicable, to amend the defective part. I will trouble the House with no further remarks, however, upon this subject at present; but with their permission will submit this proposition, as an effort towards bringing about an amendment to that clause in the Constitution, which I have read, being thoroughly impressed with the belief that it is materially defective.

I am sensible, sir of the great difficulty of framing a clause, which may effectually guard at all times against improper construction; and therefore cannot have full confidence that the one about to be submitted is such: yet in the proposition the subject will be introduced to the notice of the House, and if the object of it should be deemed expedient, I have no doubt but that one may be framed so as to answer the important purpose. The proposition which, with leave of the House, I shall have the honor to submit, is in the following words:

Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled, two-thirds of both Houses concurring, That the following article be submitted to the Legislatures of the several States, which when ratified and confirmed by the Legislatures of three-fourths of the said States, shall be valid and binding as a part of the Constitution of the United States.

The last clause of the 8th section of the 1st article of the Constitution which contains the following words: "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof," shall be construed so as to comprehend only such laws as shall have a natural connexion with and immediate relation to the powers enumerated in the said section, or to such other powers as are expressly vested by this Constitution in the Government of the United States, or in any department or officer thereof.

The House immediately considered the said amendment, and referred it to a Committee of the Whole on the state of the Union.

Friday, December 12.

The Speaker laid before the House a letter from the Governor of the State of Pennsylvania, accompanying the copy of a letter from Michael Leib, Esquire, containing his resignation of a seat in this House, as one of the members for the said State; also, a copy of the Governor's writ of election to supply the vacancy occasioned thereby, and a duplicate return of the election of John Porter, to serve in this House, as a Representative for the said State of Pennsylvania, in the room of the said Michael Leib; which were read, and referred to the Committee of Elections.

The Speaker stated to the House that he had received information from the Clerk of the Public Buildings that he was ready to proceed in securing the ceiling of the Chamber of the House.

CONTESTED ELECTIONS.

On motion of Mr. Bidwell, the House resolved itself into a Committee of the Whole on the bill to revive and make permanent "An act to prescribe the mode of taking evidence in cases of contested elections for members of the House of Representatives of the United States and to compel the attendance of witnesses," and in addition to the same.

Mr. J. Clay remarked that in all the contested elections which had been conducted by ballot, a considerable difficulty had arisen in ascertaining from which of the candidates the votes given by unqualified persons should be deducted. For the purpose of removing, or at least lessening of difficulty, he had draughted a new section, which he purposed to submit for consideration. The objection heretofore made to examining the votes, to determine for which candidate they had been given, had been founded on the opinion that it interfered with the sacredness of the ballot. This, if a sound objection, could only apply to persons legally qualified to vote, as a principle fitted to save the rights of electors, and not of persons not legally qualified to vote. Mr. C. said his object was to authorize a magistrate to examine on oath persons who had voted without being qualified for whom they had voted; that votes thus given might be deducted from the candidate for whom they were given. This would obviate much of the difficulty at present existing. Intending to offer such a provision, he moved that the Committee should rise and ask leave to sit again.

Mr. BIDWELL observed that the principle of the gentleman from Pennsylvania was a new one, that they should undertake to decide by law what votes shall not be examined. It appeared to him useless, as it was settled by the Constitution, and unless Constitutional evidence was given to the House of the existence of unqualified votes, this provision would abridge its Constitutional power. A decision on the qualification of electors was expressly vested by the Constitution in the House. It, therefore, appeared to him improper by statute to decide this point, which was the proper province of the House. A provision of that kind would go to put a construction by statute on the meaning of the Constitution, or to interfere with the Constitutional powers vested in the House. Such being his present sentiments he felt a repugnance to the proposition.

Mr. J. CLAY said it was true that they could not by law decide what were the qualifications of Electors. But he would ask, if in cases of voting *viva voce*, where the votes given for a particular candidate were proved not to be good, they were not deducted from him? His object was that the same process should be pursued where the election was by ballot. They had unquestionably a right to say that a man who votes, without being entitled, shall say for whom he voted. Such a provision would not be putting a construction on the Constitution not at present attached to it. It would only require those not entitled to vote to declare on oath for whom they had voted.

Mr. SMILIE said he had no objection to the Committee rising for the purpose of more fully considering the subject. He recollected that in the State in which he lived this point had often been discussed. Where votes were given *viva voce* there was no difficulty. But where ballots were received, they could not compel the voter to say for whom he voted. He agreed with his colleague, that it would be no violation of principle to compel the unqualified voter to say on oath for whom he voted. The principle was so plain, it conld not be denied. He hoped, however, that the Committee would rise, that his colleague might be enabled to bring forward his proposition.

Mr. BIDWELL said he was not disposed to precipitate a decision. He had, therefore, no objection to the Committee rising, that gentlemen might mature their ideas on the subject. He would, however, observe that he considered the proposition objectionable in one point of view, as giving a magistrate the right of determining who were qualified voters; a point only to be decided by the House.

Mr. J. CLAY observed that before the question was taken he would suggest the propriety of recommitting the bill, either, to a select committee or to the Committee of Elections, to determine the propriety of his amendment, where the subject might be canvassed, and the amendment so modified as to be unexceptionable. He hoped the gentleman from Massachusetts, who had brought in the bill, would make this motion.

The question was then taken on the rising of the Committee, and carried without a division; when the Committee rose and obtained leave to sit again.

PETITIONS REFERRED.

Mr. HOLMES moved that the Committee of Claims should be discharged from the further consideration of the petitions of Arnold Martin, and Sarah his wife, William Kincaid, John Hargisheimer, Philip Turner, and Ludwig Kuhn, all barred by the statute of limitations, and that they should be referred to the committee appointed to consider what provision should be made for such claims; to which motion the House agreed.

Mr. J. RANDOLPH observed that, during the last session, several petitions from persons engaged in the collection of the public revenue, praying for an increase of emolument, had been referred to the Committee of Ways and Means—likewise the report of the Secretary of the Treasury; and that the committee, under the instructions of the House, as well as from the general powers delegated to them, had taken up the subject in a general point of view, in order to modify the existing system, as circumstances required. The subject had required much attention, and after a schedule had been made out, it by some means got mislaid. Mr. R. concluded by moving that the report of the Secretary of the Treasury, together with the petitions, should be referred to the Committee of Ways and Means, which motion was agreed to.

MONDAY, December 15.

Two other members, to wit: GEORGE CLINTON, junior, from New York, and WILLIAM DICKSON, from Tennessee, appeared, and took their seats in the House.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act to suspend the operation of an act entitled 'An act to prohibit the importation of certain goods, wares, and merchandise,' and to remit the penalties incurred under the same," with several amendments; to which they desire the concurrence of this House.

The House having agreed to consider the amendments,

Mr. J. RANDOLPH moved to refer them to a select committee.

Mr. ALSTON opposed the motion. He believed no reference necessary, as the subject was too plain to require any detailed investigation; if it should be referred, he would prefer a reference to a Committee of the whole House, and, accordingly, made a motion to that effect.

Mr. J. CLAY supported the motion of Mr. RANDOLPH; and stated that the object of the reference was merely to introduce a provision to secure the payment of costs by those who had incurred the penalties of the non-importation act, which otherwise would be chargeable to the United States.

Mr. SMILIE opposed the reference to a select committee, and declared himself, under existing circumstances, hostile to the amendment of the Senate, vesting the President with a suspending power.

The motion of reference to a Committee of the whole House having been disagreed to, ayes 30, the reference to a select committee obtained without a division.

The committee are Messrs. J. Randolph, J. Clay, and Alston.

Mr. Early, from the committee appointed, on the third instant, on so much of the Message of the President of the United States as relates to prohibition of the slave trade, presented, according to order, a bill to prohibit the importation or bringing of slaves into the United States, or the Territories thereof, after the thirty-first day of December, one thousand eight hundred and seven; which was read twice, and committed to a Committee of the Whole on Wednesday next.

The following Message was received from the President of the United States:

To the Senate and House of
Representatives of the United States:

I lay before Congress a report of the Surveyor of the Public Buildings, stating the progress made on them during the last season, and what is proposed for the ensuing one.

I took every measure within my power for carrying into effect the request of the House of Representatives, of the seventeenth of April last, to cause the south wing of the Capitol to be prepared for their accommodation by the commencement of the present session. With great regret, I found it was not to be accomplished. The quantity of freestone necessary, with the size and quality of many of the blocks, was represented as beyond what could be obtained from the quarries by any exertions which could be commanded. The other parts of the work, which might all have been completed in time, were necessarily retarded by the insufficient progress of the stone work.

TH. JEFFERSON.

December 15, 1806.

The Message was read, and, together with the papers, ordered to lie on the table.

COAST SURVEY.

Mr. Dana, of Connecticut.—In 1802, an act was passed, authorizing a survey of Long Island Sound. In pursuance of that act, the Secretary of the Treasury caused a survey to be taken by two men, who appear to have been, what the act intended, intelligent and proper persons. And there has since been published a chart of the Sound, handsomely executed, on a large scale, which must, I presume, be regarded as convenient and valuable by those concerned in that branch of navigation.

At the last session of Congress, an act was passed for another survey. It made provision for surveying the coast of North Carolina between Cape Hatteras and Cape Fear, with the shoals lying off or between those capes. I understand that measures have been taken for executing this act, but that the vessel employed in the service, and all the papers respecting the survey which had been made, had been lost near Ocracoke Inlet, in one of the desolating storms experienced on the coast in the course of the present year.

The surveys, which have thus been authorized, were perhaps of the most urgent necessity; but other surveys of the coast are desirable. What has already been done may be regarded as introductory to a general survey of the coasts of the United States under authority of the Government. With a correct chart of every part of the coast, our seamen would no longer be under the necessity of relying on the imperfect or erroneous accounts given of our coast by foreign navigators. I hope the lives of our seamen, the interest of our merchants, and the benefits to the revenue, will be regarded as affording ample compensation for making a complete survey of the coasts of the United States at the public expense.

The information which may be obtained will also be useful in designating portions of territorial sea to be regarded as the maritime precincts of the United States, within which, of course, the navigation ought to be free from the belligerent searches and seizures.

It is proposed to extend the survey to the distance of twenty leagues from the shore. This distance is mentioned with a view to the second article of the treaty with Great Britain in 1783, which describes our boundaries as "comprehending all islands within twenty leagues of any part of the shores of the United States."

The resolution, which I propose for the consideration of the House, is expressed in these words:

Resolved, That the Committee of Commerce and Manufactures be instructed to inquire into the expediency of making provision for a survey of the coasts of the United States, designating the several islands, with the shoals and roads or places of anchorage within twenty leagues of any part of the shores of the United States.

Mr. Crowninshield, of Massachusetts, was very glad to see the resolution offered, but he should like it better if it were more extensive. He believed there were many shoals on the coast lying at more than twenty leagues distance from the shore. Among others, St. George's Bank was at more than this distance. He wished that the resolution might be varied so as to comprehend all the shoals on the coast, from St. Croix to the southern extreme of Louisiana.

Mr. C. had always thought it important that an accurate survey should be made of our coast. Holland's chart, though the best, is very inaccurate.

Mr. Dana accorded with the chairman of the Committee of Commerce and Manufactures (Mr. Crowninshield) in respect to the utility of an accurate survey of the shoal which he had mentioned, but was against altering the resolution so as to include any islands at a greater distance than twenty leagues from the shore. The treaty of 1773 authorizes us to consider islands within that distance as appertaining to the territory of the United States. There is, therefore, peculiar propriety in extending the proposed survey to the distance of twenty leagues along the whole of our coast. If any shoals at a greater distance from shore are to be surveyed, special provision for this purpose may be made in the details of a bill which the committee may report. It would be more convenient to specify the details in a bill than in a general resolution for inquiry.

Mr. Crowninshield then moved to strike out twenty and insert fifty in the resolution. He was confident that there were shoals lying more than twenty leagues distant from the shore, and he thought it important to have them surveyed. It might be that there are no islands beyond that distance. He was not certain in regard to them, but he was sure that there were extensive shoals.

Mr. Dana suggested that the gentleman (Mr. Crowninshield) might designate, by way of amendment, particular shoals which he wished to be surveyed.

Mr. Cook, of Massachusetts, doubted whether all of St. George's Bank was within even fifty leagues of the shore. If it were in order, he would move to strike out twenty and insert seventy.

A division of the question on striking out twenty and inserting fifty was called for.

Mr. Crowninshield at length withdrew his motion, and it was agreed that the resolution should lie on the table.

NON-IMPORTATION ACT.

Mr. J. Randolph, from the committee to whom had been referred the amendments of the Senate to the bill to suspend the non-importation act, made a report, viz:

To agree to the first amendment proposed by the Senate, which is to strike out the following words at the end of the section, "This act shall take effect from and after the passing thereof"—with an amendment, viz: to add after the word "remit," as follows: "on payment by the parties by whom such penalty, fine, or forfeiture, may have been incurred, of all costs which have accrued, or may accrue before notice of this act shall have been received by the attorneys of the several districts of the United States."

And to agree to the second amendment, authorizing the President to suspend the non-importation act till the 31st of December.

A concurrence with the first amendment was carried without a division.

Mr. Dawson moved to amend the amendment of the Senate by substituting the words "public interest," in lieu of the words "public service."

Mr. J. Randolph said he did not see how the public interest could be disconnected from the public service.

Mr. Dawson's motion was agreed to—ayes 43, noes 40.

Mr. Smilie said he was against the amendment offered by the Senate. He hoped that gentlemen who proposed concurring in it would show its necessity at this time. The Message of the President had recommended a short suspension of the non-importation act, which had been done by the act passed by the House. If at a late period of the session, circumstances should justify the vesting a suspending power in the President, he might, perhaps, have no objection to the measure; but was there at this time any such necessity, when the probability was that the House would not rise until the 3rd of March; and when it could not be known whether important information might not previously reach them? If no necessity can be shown, why now legislate? He was also opposed to the amendment, because it looked like holding out to England that we were tired of the non-importation act. For these reasons he hoped the amendment would not be agreed to.

Mr. J. Clay said, he did not know that the operation of the amendment proposed by the Senate would be to show Great Britain that we were tired of the act. On the contrary, by making its further suspension conditional, it would show that unless further arrangements were made between the two Governments it would be carried into effect. It was very true, that further information might be received during the session, which might render a repeal of the act proper. But suppose an accommodation should take place between the two Governments between the close of the present session and the commencement of the next—still, notwithstanding this, the law in question must go into force on the 1st July, although every pretext for it was done away. Mr. C. said he was not very fond of placing this discretionary power in the hands of the President. But he did not perceive any other way in which the views of Congress could be accomplished. He was, therefore, reduced to the dilemma, either of giving the President power to suspend the act, or of suffering a measure confessedly hostile, to go into effect after a satisfactory adjustment of differences. The arguments in favor of the passage of the act were that it would induce Great Britain to suspend her depredations, and to recede from her injurious doctrines. If she abandoned these, and made reparation for her depredations, he apprehended all necessity for the continuance of the act would be done away. Why then continue it after the occurrence of these circumstances? If, however, the gentleman from Pennsylvania would point out any other less exceptionable mode, by which the views of the House could be effected, he would adopt it in preference to the amendment of the Senate.

Mr. Crowninshield remarked that, like the gentleman from Pennsylvania, (Mr. Smilie,) he could not give his sanction to the proposed amendment. He saw no necessity at this time for authorizing the President of the United States further to suspend the non-importation act. What had the House done? A few days since they had sent a bill to the Senate to suspend the act until the first of July. They had received from that body an amendment further to suspend it until December; and on what grounds? They had received no additional communications from the President. The House, then, to be consistent, ought to pursue the same course they had followed a few days since. Mr. C. said he then voted against a suspension of the non-importation act to the 1st of December. He considered the proposition under consideration as nearly the same thing; the principle of both was similar. He did not know that he should object to passing a bill late in the session, empowering the President to suspend the act, provided the negotiations were in such a situation as to promise a satisfactory issue; but he saw no necessity for precipitation. The bill would do as well without the amendment as with it. He should therefore vote against it.

A motion was here made to adjourn, in favor of which only four members rose.

Mr. BIDWELL said he did not view the subject in the same light, in which it was seen by his colleague near him, (Mr. CROWNINSHIELD.) To him there appeared to be a material difference between the amendment of the Senate, now under consideration, and the proposition which had been negatived by the House, when the bill was before under discussion. The one was an absolute suspension of the act until next December; whereas the other was only the provision of a power to suspend it, if an occasion for such further suspension should occur, when Congress should not be in session. To the former he thought there were objections, which did not lie agaist the latter.

He could not agree to the observation of the gentleman from Pennsylvania, (Mr. J. CLAY,) that the prohibitory act is confessedly a measure of hostility. On the contrary, he thought it a pacific measure. It was no more than a system of commercial regulation, which, consistently with the established laws and usages of nations, we have an undoubted right to adopt. It did no injury, and could give no just occasion of offence. It was indeed intended to press upon Great Britain. One principal object of it was to convince that Government and nation, that we have the power and the determination, by granting or withholding our market for their manufactures, by peaceable means, to make it their interest to do us justice, and be on good terms with us. This was not a hostile but a pacific and lawful policy.

He observed that when the bill was before the House on a former day, he had taken the liberty to express an opinion that the event of a treaty, intervening before another session of Congress, might be provided for by a separate section in this bill, or by a separate act, to be passed, if necessary, before the close of the present session. He had preferred the latter; but the reasons for that preference were not so strong as to induce him to dissent from the course which the Senate had thought proper to pursue.

He was generally not in favor of vesting discretionary powers in the Executive. But in the present case, where the principle was contained in the law, the discretion was so limited in its object and duration, and the rule for the exercise of that discretion was so obvious, he thought the authority could not be dangerous, and the objection was not applicable.

There was, he said, one strong consideration in favor of the section. If a treaty should be made, during the recess of Congress, or at so late a date as not to be known here until Congress should have adjourned, one of three courses must be adopted; either the prohibition must be suffered to operate from the first of July until December, which, in case of a satisfactory arrangement, would not be desirable, or Congress must be convened to provide for such a state of things, which might be very inconvenient; or the Executive must suspend the operation of the law until the next ordinary session of the Legislature. The latter course appeared to him to be attended with the least evil. He was, therefore, in favor of providing such an authority; and, as the Senate had judged it most expedient to insert it in this bill, although he should individually have preferred a separate and future bill for the purpose, he would not refuse to concur in the amendment.

Mr. SMILIE said, he had but a single additional observation to offer; after making which, he would confine himself to giving his negative to the amendment. He had ever held it to be his duty not to grant legislative power to the Executive but in cases of necessity. If such a necessity could be shown to exist at present, he would consider whether it were proper to grant the proposed power. But, when there was no such necessity, he would never vest such a discretion in the Executive.

Mr. DANA observed that the principle laid down by the gentleman from Pennsylvania was worthy of attention; but it was extremely questionable whether it were applicable to the case then before them. If the amendment of the Senate went to acknowledge a general power in the President to dispense with the laws, a power once claimed as a prerogative by the King of Great Britain, all must be against it. But what was the power here proposed to be given? To authorize the President to continue the natural state of things in this country. The act of the last session went to change the general politics of the United States, whose general political system was peace, and freedom of commerce with the whole civilized world. That law impaired this principle, by taking away that freedom of commerce so far as respected Great Britain. Now, the power we propose to give is nearly allied to that exercised on a change from a state of peace to a state of war. Although the Legislature should change the state of things from peace to war, yet the President would be authorized to agree to an armistice, which would, for a time, restore peace, and suspend the laws. In point of principle, therefore, the power at present proposed to be given was similar to that exercised in the case of an armistice. Further, in giving this power to the President, we do no more than what we have done already. The President has given us merely general information relative to our negotiations with Great Britain; and, on his responsibility, we have passed the act sent to the Senate. He recommends a suspension of the non-importation law to a reasonable time, without specifying it. We fix the time. Perhaps the President may consider this reasonable time of suspension as extending to December. The language of the amendment is, if he thinks so, let him suspend it to that time. The same principle, therefore, is applicable to investing this power, as to the suspension we have already agreed to.

Mr. DANA said, he agreed that the amendment of the Senate was, in substance, nearly the same with the proposition rejected in the House. He was in favor of this proposition, and still continued favorable to it, because, he approved the extension of the suspension of the act to December, and because, he believed, if the power of suspending it were vested in the President, he would not suffer it to go into effect before that day.

Without going into the question, how far the commercial regulations were calculated to coerce Great Britain, Mr. D. said he would undertake to say that the operation of the non-importation act was more injurious to ourselves than Great Britain; and that it imposed such burdens on our merchants, and was so extremely vexatious to them, that he had little doubt of its suspension by the President, if he should be invested with the power. It would be recollected that the resolutions adopted by the House at their last session were very general; that they had been referred to a committee to bring in a bill, who had, from the pressure of circumstances, reported a bill very promptly, and with no other specification than that contained in the resolutions. In the construction given to this law, he understood no regard had been paid to labor, but merely to the material, the consequence of which was extremely vexatious. He would state an instance: Aqua fortis could only be imported in glass or gold vessels. A quantity had been imported into New York in glass vessels, and been refused entry because contained in glass. Mr. D. here specified some other articles, similarly circumstanced. He added that the provisions of the act were of so dubious a nature, that the Secretary of the Treasury had given no instructions respecting them. For these reasons, he thought the law would never be suffered to go into operation. It had, indeed, produced an effect, which the House, in passing it, had not contemplated, He would, therefore, have it done away altogether, and if they were to have any commercial prohibitions, he hoped they would be imposed in such language as all people might understand.

Mr. BIDWELL said, before the question was taken, he would, in answer to the gentleman from Connecticut on his right, (Mr. DANA,) just observe, that any doubt or difficulty which had arisen, or might arise, in the execution of the law, from the general description of articles of manufacture, by their material of chief value, might be easily removed by a supplemental act. It was not strange nor new, that, in a complicated system of regulations, experience should point out practical defects in the details, and render legislative explanation or amendment necessary. It was no rational objection against the system. Notwithstanding any such imperfections in the details of the prohibitory act, he had no doubt that, whether left to the Executive or the Legislature, the act would be ultimately carried into full and complete effect, unless rendered unnecessary by an intervening arrangement of the points in dispute.

Mr. DANA said that, in the statement he had made, he did not state many of the inconveniences that had been experienced. Half the goods imported into New York since the non-importation law took effect had been refused entry. The law was, indeed, one which ought never to go into operation. As far as he was informed, the Government of Great Britain had as yet only given friendly assurances. He considered the existence of this law as a bar to satisfactory arrangements, and was, therefore, willing to lay it aside for the sake of peace and accommodation, not considering it as aiding, but as impeding our negotiations.

Mr. CHANDLER said, if he believed with the gentleman from Connecticut, that the President would, under any circumstances, no matter what, suspend the act, he would not give his vote for the proposed amendment. On the contrary, believing that he would let it go into effect, unless our differences were adjusted, it had his approbation. To remedy the evils mentioned, he would have no objection to doing away this act, after a proper time, and prescribing in a new act a double dose. He would pass an act prohibiting the importation of all goods from Great Britain. Believing the act had been attended with good consequences, and had brought the Government of that nation to a sense of their interests, and that there was a probability of an early adjustment of our differences, he should give his vote for the amendment.

The question was then taken by yeas and nays and the amendment carried—yeas 82, nays 23, as follows:

YEAS—Evan Alexander, Willis Alston, jun., Isaac Anderson, John Archer, David Bard, Burwell Bassett, George M. Bedinger, Silas Betton, Barnabas Bidwell, John Blake, jun., Robert Brown, John Boyle, William A. Burwell, William Butler, George W. Campbell, Levi Casey, John Chandler, Martin Chittenden, John Claiborne, Joseph Clay, John Clopton, Leonard Covington, Richard Cutts, Samuel W. Dana, Ezra Darby, John Davenport, junior, John Dawson, William Dickson, Theodore Dwight, Elias Earle, Peter Early, William Ely, John W. Eppes, James M. Garnett, Peterson Goodwyn, Silas Halsey, Seth Hastings, James Holland, David Hough, John G. Jackson, Jas. Kelly, Thomas Kenan, Nehemiah Knight, Joseph Lewis, jr., Henry W. Livingston, Robert Marion, Josiah Masters, William McCreery, David Meriwether, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, Jonathan O. Mosely, Jeremiah Nelson, Thomas Newton, jun., Timothy Pitkin, jun., John Porter, John Pugh, Thomas M. Randolph, John Rea of Pennsylvania, John Russell, Thomas Sammons, Thomas Sandford, Martin G. Schuneman, John Smith, Henry Southard, Richard Stanford, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, Philip R. Thompson, Thomas W. Thompson, Uri Tracy, Philip Van Cortlandt, Killian K. Van Rensselaer, Eliphalet Wickes, Marmaduke Williams, Alexander Wilson, and Thomas Wynns.

NAYS—Joseph Barker, Jacob Crowninshield, Ebenezer Elmer, William Findley, James Fisk, Isaiah L. Green, John Lambert, Gideon Olin, John Randolph, John Rhea of Tennessee, Jacob Richards, Peter Sailly, Ebenezer Seaver, James Sloan, John Smilie, Samuel

Smith, Joseph Stanton, David Thomas, Joseph B. Varnum, John Whitehill, Robert Whitehill, David R. Williams, and Joseph Winston.

BRIDGE ACROSS THE POTOMAC.

Mr. Lewis called for the order of the day, on the bill authorizing the erection of a bridge across the river Potomac.

Mr. Dawson urged the propriety of deferring the consideration of the bill to a future day, particularly as several of the members most interested in it, were absent.

Mr. Lewis replied.—He said he should be extremely averse to taking up, intentionally, any subject in the absence of particular gentlemen. But the House would do him the justice to recollect that he had called it up on Friday, when the gentlemen referred to were present. It would be altogether impossible to get through the public business, if the absence of two or three gentlemen should prevent its being taken up. In the present instance, he believed there were as many gentlemen who were friendly to the bill absent, as there were of those inimical to it.

The House divided on going into Committee—ayes 44, noes 33.

The House then resolved itself into a Committee of the Whole.

The several blanks were filled up in such a manner as to make the bill conformable to that which passed the House at the last session.

On filling the blank in the 12th section, which fixes the maximum of the clear average proceeds of tolls, after exceeding which, Congress reserve the right of reducing them, the House divided on allowing "twenty per centum"—ayes 38, noes 36; when the Committee rose and reported the bill.

PUBLIC BUILDINGS.

Mr. John Randolph offered the following resolution:

Resolved, That the President of the United States be, and he hereby is, requested to cause to be laid before this House an account, stating the several sums which have been expended on the Capitol, the President's house, the public offices, the navy yard, and the marine barracks, respectively; and the amount expended on other objects of public expense within the City of Washington.

Messrs. Alston and Olin suggested that it might be embarrassing to the public officers to give such a detailed and retrospective statement.

Mr. J. Randolph replied, that his object was to get information, for which purpose he wished to have a condensed view of the whole expenditures within the City of Washington. At present, when an appropriation for a particular object was called for, he possessed no standard of comparison whereby to determine its propriety. He wished to know the aggregate amount which this sink of expense, of increasing expense, has cost the nation, together with the several items of expenditure. He desired this information to guide him in judging of the future appropriations that might be asked. Suppose the House should undertake to build an University—he understood there was such a project—and they should have an estimate for it; by knowing what these buildings had cost, the frequent appropriations called for, and recollecting that every appropriation was the last, they would know how to act, and whether they were about to be involved in a sea of expense, the confines of which they could never learn. He believed this had been the case in the building in which they sat, the conduct of the persons employed on it having always fallen short of the promise made.

The resolution was then agreed to, without a division; and, on the next day, Messrs. J. Randolph and D. R. Williams appointed a committee to present it to the President.

NATIONAL DEFENCE.

Mr. Elliot rose and addressed the Chair as follows:

I will premise, Mr. Speaker, for the honor of my country, that but one sentiment has pervaded and agitated the American mind, in relation to what has been called, with more energy indeed than propriety, the blockade of the port of New York, in April last, by a small British naval force, and the atrocious murder of our fellow citizen, John Pierce, while in the peaceable pursuit of his honest occupation, by the order of the officer commanding that force. At that melancholy moment, when a dark cloud seemed to overshadow our political prospects, the laws of our country were, to borrow one of the bold figures of antiquity, silent amidst arms; they were languid, they were lifeless, when they ought to have been energetic and irresistible. The Executive made a prompt and patriotic use of the few and feeble means which the laws had placed in his power; but few and feeble indeed they were, and the most energetic exercise of them could not, in a degree calculated to add lustre to the national character, command the respect of foreign nations. I have not ascertained whether John Pierce was the father of a family: If such should be found to be the fact, and if some doubts which I have been led to entertain of the constitutionality of the proposition should be dissipated by further investigation, I should probably deem it my duty to propose that his children shall be educated at the public expense. I am opposed from principle to the erection of monuments, except in cases of a very extraordinary character; and in this case there can be no necessity for anything of that kind, as Pierce will have sufficient monuments in the memory of his fellow-citizens, and in the pages of his country's history.

But it is not my present purpose to compose an epicedium upon Pierce, or to move the erection of his monument. I have objects of more consequence in view. At the time of the occurrence of the unfortunate event to which I have alluded, and ever since, the question must have been continually inviting public attention, must have been commanding, and irresistibly forcing itself, upon public attention, Have we not, or do we not pretend to have, a naval armament for the purpose of national defence and protection? We have indeed the shadow of a navy. Economical, excessively economical as we are, we have already wasted millions on our infant navy to no useful purpose; and we are in a very fair way to waste millions more. The event which I have mentioned has, at least I am greatly mistaken if it has not, prepared the public mind for discussion and decision upon two important questions, relative to the Naval Establishment. First, whether it be not proper, under existing circumstances, to augment, in some small degree, that establishment? Secondly, whether, supposing the establishment to be increased or to remain as it is, it be not proper, it be not indispensably necessary, to organize and manage it in a different manner from what has been heretofore practised; to give it more efficiency and more energy? To these questions it is my intention to invite the attention of this House and the American nation.

It is time, however, to think and talk of something else besides our little navy;—that armament, which the wicked wits of our own country, and the still more wicked politicians of the old world, have called a Lilliputian navy; and which the latter description of persons, rather the most important of the two, in point of influence upon human character and human happiness, affect to consider as the disgrace of America, the ridicule of Europe. It is time to extend our views. It is time (if we can elevate our enfeebled optics to a more ample field of political vision) to look over the St. Croix on the one hand, and the Sabine on the other, to behold the course of events in other regions of the world, to reflect upon the influence of those events on our own concerns, and to inquire and understand how our interests are affected by or involved in them. It is time to explode the narrow, the ridiculous, the all-destroying policy, that would dictate to the people of the Western world a total unconcernedness about the scenes that are displayed in the other regions of the globe. It is time to know who and where we are, and what will probably be our future destiny. In a word, it is time to change our system. What is the news of the day? Here many will inquire, what have we to do with the news of the day? And some will consider it a species of treason to interest ourselves in the fortunes of other nations. Treason against whom, or what? Against the power of France, I suppose; for it can be treason against nothing else.

But what is the news, and what is it to us? Rumor announces that Prussia—Prussia, one of the first monarchies of Europe, has fallen! Fallen in a war purely defensive, in defence of the integrity of her territory! She has had the singular fate to fall unpitied, and yet covered with imperishable glory: unconquered by superior courage, or even by superior dicipline, but overwhelmed by numbers.

And what have the people of Republican America to do with the destruction of the monarchy of Prussia? Why, sir, upon every sober and solid principle of human calculation, it is our turn next. I will undertake to demonstrate, on some future day, that except in point of local situation, except in our remoteness from the great scene of European action, we occupy substantially the same ground that Prussia did, *ante bellum*, and that we ought to prepare ourselves to avert the same awful fate. I shall deem it my duty, when I go into this subject, to take a view of the present state of almost all the world; and if I prove not the fact which I have stated, I will instantly descend from this seat. Descend, did I say? No, I am not so fond of going down hill—I will ascend to a place among that most illustrious body, the people. Prussia was required to give up some provinces of her dominions, or have them taken from her. So are we. It will be said, not by the same Power; but it shall be shown to the satisfaction of this nation (for we ourselves know already) that it ought to be so considered by us. The demand is made by Spain, a Power which all the world knows to be subservient to the policy of France, and to be directed and governed by France in her concerns with the United States, in consequence of a treaty of alliance, offensive and defensive, between the two nations, to say the least of their connexions. In proving this important, this solemn fact, not a word shall be said concerning certain documents, which have derived most astonishing celebrity from their impenetrable obscurity. No, Mr. Speaker, I will not disturb the repose of your seat, or that of the Chairman of the Committee of the Whole on a future day, by any transgression of the rules of the House. I will not wander for a moment from the circle of perfect order. Nothing shall be said of the contents of those documents; but much, very much, shall be said of what they do not contain, and much of what the people may have suspected that they do contain; and regret shall again and again be expressed, that our superiors and masters, the sovereign people of this great nation, whom in all things else we delight to honor, are not permitted to see, examine, reflect, and decide upon them for themselves. In the meantime, I say, change your system of foreign politics. We must enlarge our views and alter our course of conduct, or we shall deserve the chains that are forging for us. Political life and death are set before you. Choose ye, therefore, whether ye will live or die.

Let me not be misunderstood. I approve the domestic administration of the Government of this country, and the general system which the Executive is pursuing in relation to our concerns with foreign nations—approve it with all my heart, and will support it with all my powers. And how is all this to be reconciled with the declaration that we must change our system? The easiest thing in the world. The system of national defence and protection is a part of your foreign politics, strictly considered, rather than of domestic politics. And where and what are your arrangements for national defence? Or rather, is not your country almost totally defenceless? We, we ourselves, not the Executive—we, the immediate representatives of the people, hold the purse-strings of the nation; and the world has long looked on with astonishment, not unmingled with contempt, at the miserly but convulsive grasp with which we embrace them. And what is the state of our finances? Is it such as to render necessary this extreme parsimony? With an overflowing Treasury; with an accumulation of revenue, which enables us to purchase empires, and at the same time rapidly reduce a debt, the pressure of which no man feels, or ever can feel; with a debt which is but the dust of the balance in which are suspended our national resources; our naval establishment is inferior to that which was possessed by the little State of Ragusa, the last of the republics of the ancient world, previously to its recent destruction by the power of France: Ragusa, which possessed but one considerable port, perhaps twenty or thirty miles of barren seacoast, and a population of from 80,000 to 120,000 souls. Apropos of Ragusa. Who would not mourn for Ragusa? Every republican on earth ought to shed a tear for its fate! Who were the Ragusans? Were they among the conspirators against the liberties and national independence of France, who are said to have held their caucusses at Pilnitz and at Pavia? Were they subsidized by British gold? Were they the enemies of any people on the globe? Ah! No. They were a simple, peaceful, unambitious, industrious, virtuous, republican people. They were so far from being the enemies of any nation, that they were the friends of all the world; that they might enjoy the privilege of managing their own concerns in their own manner, as to their domestic legislation, they always paid tribute to every nation that demanded tribute from them; and on this humiliating condition they were suffered to exist as a republic through almost all the revolutions of ages. They did exist—they are now slaves! And it is a memorable fact that the Emperor of France has not even pretended that the Ragusans were hostile to his interests. Political necessity alone justifies, or attempts to justify, the seizure of their dominions. And when would their fate be ours, if the means of destruction were at hand? To-morrow!

It is certainly time to think and act with more energy. This great and solemn subject has long attracted my attention, and occupied my silent reflections. Our local habitation is our only security. Were it not for the vast waves of the vast ocean, it would be the merest folly that could be imagined to tie up your roof with those strings that dangle so delightfully over our heads. Were it not for that noble and all-protecting element, why in the name of Heaven would you prop up these tottering walls any longer? Let them alone, and crazy as they are, and they are crazy enough in all conscience, they would last ten times as long as the noble structure of your republic itself! At least ten times as long. But many think we are in no danger. They must be very pious men; they must have a confidence in Divine Providence, in which I should not like to be behind them; or they must possess a degree of self-confidence, the possession of which I do not envy them. Does any one believe that our Army and Navy, that our militia, numerous, brave, and patriotic as it is, could resist for a moment three millions of European veterans in arms? Could we resist the power of France, if that power could be brought to bear upon us? He who could say so, should wander into the wilderness; he should go at least to the extreme limit of the desert heath that surrounds us, and talk to the woods and to the winds. No human ear could listen for a moment with patience to such idle fanfaronade. One word more upon the subject of our Treasury and our debt. It has frequently been said that the present is the age of wonders; and we have another proof of it this very session within these walls. Could you call old Solomon himself from the "vasty deep," and give him a seat among us—and as he would be but a shade, I suppose you would consider him only as a kind of Territorial delegate, with a right of debating but not of voting—could you get him here, the very first step of his parliamentary career would be to move to strike out a section of the sacred volume, inserted by his own pen, the words, "there is nothing new under the sun." In the Journal of our proceedings upon the President's Message, we have a record of this sort: "*Resolved*, That so much of the Message of the President of the United States, as relates to the future appropriation of the surplus revenue, &c., be referred to a select committee." This is a new kind of Committee of Ways and Means. It must be called, I suppose, Committee of Ways and Means, No. 2. Committees of this description, organized for the purpose of devising means to carry on the great concerns of nations, are of some antiquity; but this is the first committee that has ever been created for the purpose of devising ways and means to get rid of the surplus moneys of a Government. I can point the gentlemen of this committee to an object worthy of their attention: the defence of their country opens an ample and honorable field for their labors. But it is time to disclose my own system more particularly. I will keep the House in suspense no longer. I would imitate the magnanimous, but at the same time very prudent policy of the Emperor of Austria, approved, or at least not censured, by the Emperor of France himself, by establishing a powerful armed neutrality. I would organize a general and effectual system of national defence. Here, again, let me not be misunderstood. I am no friend to large armies and navies, or new and oppressive taxes. The system should be economical as well as energetic.

Upon this subject I have long waited, like Elihu of old, that older men might speak, but no one opens his lips; and silence in future would be a dereliction of what I deem one of the first and dearest interests of my country. Perhaps in my manner of announcing my intentions and objects, although it has been conformable to every day's practice in the British Parliament, I may not have been considered as conforming perfectly to the rules of order here; but if order has been violated, the transgression shall not be repeated. I have risen at this time merely to call the attention of the House to the subject, and to give notice that I shall, on Tuesday of next week, (as it is proper to lead the public mind gradually to the contemplation of concerns of such importance,) offer to the consideration of the House a series of resolutions, the objects of which will be to produce a discussion and decision upon the two great questions which I have mentioned, relative to the Naval Establishment; to introduce, at all events, into the organization and management of that establishment, a new and more efficient system; and to prepare and organize other measures, calculated for the farther and more effectual protection of the commerce, the seamen, the harbors, the coasts, and the frontiers of the United States.

Mr. E. having concluded, the House adjourned.

Tuesday, December 16.

Mr. Crowninshield, from the Committee of Commerce and Manufactures, presented a bill to change the name of the District of Nanjemoy to that of St. Mary; which was read twice, and committed to a Committee of the Whole on Friday next.

The House proceeded to consider the motion of Mr. Dana, of yesterday, which lay on the table: Whereupon, the said motion being again read in the words following, to wit:

Resolved, That the Committee of Commerce and Manufactures be instructed to inquire into the expediency of making provision for a survey of the coasts of the United States, designating the several islands, with the shoals and roads, or places of anchorage, within twenty leagues of any part of the shores of the United States:

A motion was made by Mr. Crowinshield, and the question being put, to amend the same, by adding, to the end thereof, the following words, to wit:

"And that the committee be farther instructed to inquire into the expediency of surveying St. George's bank, or any other shoals or banks, which may be deemed dangerous to vessels approaching the shores of the United States:"

It was resolved in the affirmative.

Resolved, That this House doth agree to the said resolution, as amended.

Mr. Joseph Clay presented to the House a petition of sundry officers who served in the British army, in America, during the war between France and Great Britain, praying to be confirmed in their respective titles to the lands in the State of Kentucky, granted to them by the King of Great Britain, in consideration of military services rendered to the American Colonies during the said war.—Referred to the Committee on Public Lands.

Mr. Dawson moved to postpone the further consideration of the report of the Committee of the Whole, on the bill, authorizing the erection of a bridge across the Potomac, to the first Monday in January; this motion was opposed by Messrs. Lewis and Cook, and disagreed to—yeas 36, nays 55; when, on motion of Mr. Lewis, the House took the report into consideration—yeas 53.

After the adoption of several amendments, the bill was ordered to a third reading to-morrow—yeas 55.

Wednesday, December 17.

Two other members, to wit: Peleg Wadsworth, from Massachusetts, and Daniel C. Verplanck, from New York, appeared, and took their seats in the House.

Mr. Thomas, from the committee appointed on the 10th instant, presented a bill supplementary to the act, entitled "An act regulating the grants of land appropriated for the refugees from the British provinces of Canada and Nova Scotia;" which was read twice, and committed to a Committee of the whole House to-morrow.

A message from the Senate informed the House that the Senate have passed a resolution appointing a committee, jointly, with a committee to be appointed on the part of the House of Representatives, to have the direction of the money appropriated to purchase books for the use of Congress, pursuant to the "Act making a further appropriation for the support of a library," passed on the 21st of February, 1806.

Mr. Dawson presented to the House a petition of sundry inhabitants of the counties of Alexandria and Washington, in the Territory of Columbia; which was received and read, praying that an act may be passed to incorporate a company for the purpose of making a turnpike road from the western end of Mason's causeway, to the town of Alexandria, upon such terms, and under such restrictions, as may be just and reasonable.—Referred to Mr. Dawson, Mr. Magruder, Mr. Anderson, Mr. Verplanck, and Mr. Cutts, to examine and report their opinion thereupon to the House.

The Speaker informed the House that he had received an anonymous communication, addressed to Congress, from a writer who professed himself to be a foreigner, and desired his communication might be read with closed doors.

A short conversation ensued on the proper way of treating the communication; when it was agreed that it was best to take no order whatever upon it.

BRIDGE OVER THE POTOMAC.

An engrossed bill authorizing the erection of a bridge over the river Potomac, within the District of Columbia, was read the third time, and, on the question that the same do pass, it was resolved in the affirmative—yeas 60, nays 39, as follows:

Yeas—Joseph Barker, Burwell Bassett, George M. Bedinger, Silas Betton, John Boyle, William A. Burwell, Levi Casey, Martin Chittenden, John Claiborne, John Clopton, Frederick Conrad, Orchard Cook, Ezra Darby, Theodore Dwight, Elias Earle, Ebenezer Elmer, William Ely, James Fisk, James M. Garnett, Peterson Goodwyn, Silas Halsey, Seth Hastings, David Hough, Walter Jones, James Kelly, Thomas Kenan, Nehemiah Knight, John Lambert, Joseph Lewis, junior, Henry W. Livingston, William McCreery, David Meriwether, Nicholas R. Moore, Thomas Moore, Jonathan O. Mosely, Thomas Newton, jun., John Porter, John Pugh, John Randolph, Jacob Richards, John Russell, Peter Sailly, Thomas Sammons, Henry Southard, Richard Stanford, Joseph Stanton, William Stedman, Lewis B. Sturges, Samuel Taggart, Samuel Tenney, Philip R. Thompson, Uri Tracy, Philip Van Cortlandt, Killian K. Van Rensselaer, Peleg Wadsworth, Eliphalet Wickes, Marmaduke Williams, Alexander Wilson, Joseph Winston, and Thomas Wynns.

Nays—Willis Alston, jun., Isaac Anderson, John Archer, David Bard, Barnabas Bidwell, John Blake, junior, Thomas Blount, Jacob Crowninshield, Samuel W. Dana, John Davenport, junior, John Dawson, Peter Early, James Elliot, Caleb Ellis, John W. Eppes, Wm. Findley, I. L. Green, John Hamilton, James Holland, David Holmes, Patrick Magruder, Robert Marion, Josiah Masters, Jeremiah Morrow, John Morrow, Gideon Olin, Timothy Pitkin, junior, John Rea of Pennsylvania, John Rhea of Tennessee, Ebenezer Seaver, James Sloan, John Smilie, John Smith, Samuel Smith, Thomas W. Thompson, Joseph B. Varnum, John Whitehill, Robert Whitehill, and David R. Williams.

IMPORTATION OF SLAVES.

The House resolved itself into a Committee of the Whole on the bill to prohibit the importation or bringing of slaves into the United States or the territories thereof after the 31st of December, 1807. The bill was read, as follows:

A Bill to prohibit the importation or bringing of slaves into the United States, or the territories thereof, after the thirty-first day of December, 1807.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That, from and after the thirty-first day of December, one thousand eight hundred and seven, it shall not be lawful to import or bring into the United States, or the territories thereof, any negro, mulatto, or other person of color, with intent to keep, sell, or dispose of such negro, mulatto, or person of color, as a slave.

Sec. 2. *And be it further enacted*, That if any person or persons shall, after the 31st day of December, aforesaid, build, equip, fit, load, or in any wise prepare, or shall engage or be concerned in preparing, loading, fitting, equipping, or building any ship or vessel, in any port or place within the jurisdictional limits of the Government of the United States, for the purpose of employing such ship or vessel in importing or bringing into the United States, or the territories thereof, any negro, mulatto, or person of color, the importation or bringing of whom is by this act prohibited, every such person shall forfeit and pay —— dollars; and such ship or vessel shall, together with her cargo, tackle, apparel, and furniture, be forfeited.

Sec. 3. *And be it further enacted*, That if any ship or vessel, laden in whole or in part with persons, the importation or bringing of whom is by this act prohibited, shall, after the thirty-first day of December aforesaid, be found in any river, port, bay, or harbor, within the United States or the territories thereof, or anywhere on the high seas within the jurisdictional limits of the Government of the United States, such ship or vessel, together with her cargo, tackle, apparel, and furniture, shall be forfeited, and the owner and master thereof shall moreover each forfeit and pay —— dollars. And the President of the United States is hereby authorized to employ such of the armed vessels as he may judge proper, in giving to this act full and complete effect.

Sec. 4. *And be it further enacted*, That if any negro, mulatto, or person of color, the importation or bringing of whom is by this act prohibited, shall, after the thirty-first day of December aforesaid, be found within the United States or the territories thereof, every such negro, mulatto, or person of color, shall be forfeited. And if any person or persons shall be concerned in buying or selling such negro, mulatto, or person of color, every person so concerned shall forfeit and pay —— dollars for each negro, mulatto, or person of color so bought or sold.

Sec. 5. *And be it further enacted*, That whenever it shall appear to the court before which any suit or prosecution shall be brought, or any claim shall be tried, under the provisions of this act, that there is reasonable ground for presumption against the party sued or prosecuted, or making the claim, it shall be the duty of the said court to throw the burden of proof upon such party. And that when any seizure shall be made, or suit or prosecution commenced as aforesaid, and judgment shall be given in favor of the claimant, or party sued or prosecuted, if it shall appear to the court that there was reasonable cause for such seizure, or such suit or prosecution, the said court shall cause a proper certificate or entry to be made thereof, and in such case the party claiming, sued, or prosecuted, shall not be entitled to costs, nor shall the person making the seizure, or instituting the suit or prosecution, be liable to any action or judgment on account thereof.

Sec. 6. *And be it further enacted*, That all penalties and forfeitures arising under this act may be sued for and recovered, and shall be distributed and accounted for in the manner prescribed by the act, entitled "An act to regulate the collection of duties on imports and tonnage." And such penalties and forfeitures may be examined, mitigated, or remitted in like manner and under the like conditions, regulations, and restrictions as are prescribed, authorized, and directed by the act, entitled "An act to provide for mitigating or remitting the forfeitures, penalties, and disabilities accruing in certain cases therein mentioned."

The first blank was filled with 5,000, the second with 10,000, and the third with 500.

Mr. Sloan moved to insert, in the fourth section, after the word "forfeited," the following words: "And such person or slave shall be entitled to his freedom," so as to make the provision read—that if any negro, mulatto, or person of color, the importation or bringing of whom is by this act prohibited, shall, after the 31st day of December aforesaid, be found within the United States or the territories thereof, every such negro, mulatto, or person of color, shall be forfeited, and such person or slave shall be entitled to his freedom.

Mr. Alston doubted whether Congress possessed the power of saying that slaves imported into a particular State, whose laws directed them to be sold, should be made free.

Mr. Elmer considered the amendment as altogether useless.

Mr. Eppes moved to amend the amendment by adding to it the following proviso: "*Provided*, That such forfeiture shall take place in one of the States of the Union where slavery is not by law permitted."

This last amendment was disagreed to—ayes 31.

Mr. Bidwell suggested a modification of the amendment, so as to make it read, "and shall be entitled to his or her freedom." To which Mr. Sloan assented.

Mr. Early said, he would barely ask of the mover of the amendment, whether there was not a palpable absurdity between the amendment and that part of the bill to which it was offered as an amendment; whether there was not an absurdity in saying the description of persons referred to should be forfeited, and sold by the United States, as provided for in the sixth section, and yet that they should be free; whether the two things could exist together?

Mr. **Sloan** said, he would ask whether it was not the understanding of every member of the committee, that it ought to be the object of this bill totally to prohibit the importation of slaves into, or the selling them in the United States. He would not pretend to say his amendment would effectually answer this purpose; it might require alteration, and he acknowledged there was an apparent contradiction between it and the provisions of the bill. But it was the principle which it contained, that he was anxious to see adopted.

Mr. **Early** said there was no doubt but that the motion of the gentleman from New Jersey would have the effect of trying the sense of the House on a very important principle contained in the bill; on the question whether they would or would not agree to pass a bill on this subject, which would be efficacious. For myself, said Mr. E., I have always believed that on the decision of this question would turn another, whether this Government ever would prohibit the slave trade or not? It is true, if we pass the bill as it stands, that persons imported will not only be forfeited, but will likewise be sold as slaves, and be afterwards kept as such. This is a melancholy truth; melancholy, because, without such a provision, we can pass no law on the subject that will be effectual. What can we do with this description of persons in case they are brought into the country in contravention of this act? I repeat the question—what can we do with them? If any gentleman can devise a plan, on which they can be disposed of, without proving extremely injurious to the country where the disposition shall be made, less exceptionable than the plan contained in this bill, he shall have my thanks, and what is of more consequence, he shall have my vote. I believe, however, that the plan contained in the bill will be the most effectual that can be devised. The gentleman inquires whether the bill is not intended to prevent the importation of this description of people into the United States, and to prevent their being sold here as slaves? I answer that it is; and I ask, if the law prohibiting the importation of brandy in demijohns was not intended to prevent its being brought into the United States in that way; and yet, do the United States, instead of selling it as a forfeited article, scatter it about the streets when thus introduced in contravention of the laws? I repeat it—on the decision of this question will depend the efficacy of the bill. We, who live in that part of the United States, where the evil referred to principally exists, know from experience that this is the only effectual plan that can be pursued. I will conclude my remarks by again declaring, that if any gentleman will devise another practicable plan, he shall have my vote.

Mr. **Alston** was decidedly of opinion that if the amendment prevailed, the bill on the table would be good for nothing. The amendment proposes that the slaves imported shall be forfeited and become free. Thus all inducement to give information of their importation would be taken away. You cannot, said Mr. A., prevent them from being slaves when they are once brought into the United States; the only way is to prevent the importation. In the State which I have the honor of representing, this mode had been practised; the importation of slaves had for ten or twelve years been prohibited under a penalty of 200 pounds. This had completely prevented any importation by water, in which way not a single slave had been imported. Some, it was true, had been introduced from adjoining States. The amendment might have another effect. What was there to prevent this description of persons, although made free, from binding themselves out for a term of years, or for life?

Mr. **Sloan** said he would just observe that the simile drawn by his friend from Georgia did not apply in the present instance. He had never considered the act prohibiting the importation of brandy in demijohns, as intended to prohibit the importation of brandy, but merely the particular mode of importing it. It appeared to be the universal wish of every member in the Committee to put an entire stop to this inhuman traffic. He would then ask for information, (he would not say that he was perfectly able to explain the Constitution on this point,) whether it was not in the power of the House as completely to prohibit this trade as the Parliament of Great Britain? If he was rightly informed, as soon as a slave put his foot into that country, he became free. If this was among the Constitutional powers of the Government, he hoped it would be exercised; and if this amendment should be rejected, he trusted some other, calculated to be more efficacious, would be adopted.

Mr. **Smilie** was not prepared at present to say what was the best to be done; but he would never give his assent to the last section of the bill. Shall we, said he, while we are attempting to put a stop to this traffic, take upon ourselves the odium of becoming slave traders? This would be the fact, in case the bill were agreed to. We will not suffer others to bring them to our shores with the view of selling them, but we agree to become their proprietors, and to sell them ourselves. I hope in God the House will never agree to this. I have no objection to be at the expense of sending them back to their own country, if this shall be deemed proper, or to pursuing any other mode which may be deemed advisable.

Mr. **Early** said it was time enough, when the last section was under consideration, to examine any plan or reasons which might be offered in support of it, for altering the provisions in that section. At present, the fourth section only was under consideration, and there appeared to him a peculiar impropriety in adopting the proposed amendment, as applicable to that section, for several reasons. That section does not operate on vessels fitting out for the slave trade, or on vessels in the waters of the United States having persons of this description on board. It operates only on the individual cases of buying and selling, between man and man, after the persons have been brought into the territory of the United States. It operated, therefore, on persons so far as related to a property in them, on which only the State laws can operate. Mr. E. begged leave to read the section:

> "Sec. 4. *And be it further enacted,* That, if any negro, mulatto, or person of color, the importation or bringing of whom is by this act prohibited, shall, after the thirty-first day of December aforesaid, be found within the United States, or the territories thereof, every such negro, mulatto, or person of color, shall be forfeited. And, if any person or persons shall be concerned in buying or selling such negro, mulatto, or person of color, every person so concerned shall forfeit and pay $—— for each negro, mulatto, or person of color, so bought or sold."

He would ask the gentleman, whether the House, or the Government of the United States, were Constitutionally competent to declare what should, or should not, be property within the several States? They were not competent to this, after the article, considered as property, was brought within the limits of the United States.

Mr. Barker.—It appears to me, either that the gentleman from Georgia does not understand the spirit of this section, or that I do not. If any description of persons are imported and forfeited, to whom are they forfeited? Not to the particular States where they are landed, but to the United States, whose property they become, and who have, therefore, a right to say they shall be free; and in order to effect this purpose, they may say that they shall be sent back to the country from whence they came. Certainly, they have as great a right to make them free as to sell them.

Mr. Sloan declared his concurrence in opinion with his friend from Massachusetts, (Mr. Barker.)

Mr. Bidwell.—Gentlemen from all quarters appear to agree in the end they have in view. The only difference of opinion is, with respect to the most proper means to be used. The gentleman from Georgia thinks that, if the amendment be adopted, the bill will be ineffectual; while the gentleman from New Jersey is of the opinion that, without it, it will be ineffectual. The amendment undoubtedly embraces a most important principle. Without it, the gentleman from Georgia admits, that the description of persons referred to will be transferred from their individual owners to the United States, as property, and be by them sold as slaves, and be held afterwards in slavery. This is admitted to be the effect of the bill. It is objected to for several reasons. The first reason assigned is, that if the amendment takes place, and if by virtue of it these people should be entitled to their freedom, instead of being protected in their freedom, they will enter into indentures with their holders, and their condition be the same as though they were in slavery. But, the very idea of indentures implies freedom, and this objection is applicable to every other description of persons whose ignorance renders them the easy subjects of imposition. Slaves, liberated under existing circumstances from servitude, are equally liable to be overreached.

Another objection is, that the amendment is repugnant to the principle of the bill, inasmuch as the preceding clause declares that this description of persons shall be forfeited, and their being made free is considered as incompatible with their forfeiture. I do not, however, view the case in that light. What is this forfeiture but a cessation of the interest of the former owner in the thing forfeited, and its transfer to the United States? And, cannot the United States, instead of selling, manumit them? The operation, therefore, of the amendment will be, that the property of the United States in them will determine, and that no person will have a property in them, but that they will be free; or, in other words, that instead of property, as the bill now stands, being vested in the United States, it will be renounced. The United States will not take the property themselves, or pass it over to any other person. They will say the property shall entirely terminate. Is there anything in this, repugnant to the Constitution? The gentleman from Georgia says this Government has not a right to interfere with State rights or State property. But, would it be any interference with State rights to say, that, in case a particular article should become the property of the United States, they would not take it? As to the previous owner's giving the slaves their freedom, would it not operate exactly in the same way as forfeiting them? If, then, there would be no interference with State rights in the one case, there would not in the other. The only difference would consist in the transfer of the property, the operation of the amendment being to make a donation, or whatever else gentlemen may please to call it, to the persons, of their freedom.

If it shall be said, that the provision contained in the amendment will operate inconveniently, by turning these persons loose upon society, a remedy may be applied. A sufficient authority on this head exists in the State governments. If paupers, vagabonds, or any other troublesome description of persons be introduced among them, every State has a right to impose penalties on the persons introducing them. So, in the present case, the State authorities may be enforced, in addition to such punishments as the United States may see fit to inflict for the purposes of general welfare. I am, for these reasons, of opinion, that the amendment, so far from rendering the bill less efficient, will make it more so.

Mr. Macon, (Speaker.)—I believe that on this subject there is but one opinion, which is, effectually to prohibit the importation of slaves into the United States. This sentiment, I believe, pervades the breast of every member of the community. In adopting our measures on this subject, we must pass such a law as can be executed; such an one as every part of the Union shall deem itself interested in carrying into effect. If we insert in it a clause, in the execution of which every part of the Union does not consider itself interested, we shall prevent the law from going into full operation. The proposed amendment goes to make this description of persons, that shall be imported, free. What will be its effect? What is to become of the cargoes of those persons, when thus turned loose in any State? By what means are they, understanding nothing about the country, to be supported? Not even speaking the language of the country, what is to become of them? Are they to be maintained by the public or by individuals? This question is deserving of some consideration. It is a subject, I confess, on which there is some difficulty. For my part, I wish the law to be made so strong as to prevent any vessel from bringing them into the United States. But, I believe the amendment contains a provision that some of the States will not like. In some of the States, there is a legal provision that an owner of a slave may give him his freedom, on going into court, and giving security that the slave that is liberated shall not be a charge upon the county. Those persons who deal in this nefarious traffic will never carry their cargoes into a part of the Union where there are no slaves. They will go to the States where slavery exists, and there smuggle them; and, if we pass this amendment, the situation of these States will be most deplorable.

It does not appear to me necessary to insert this amendment in the bill, in order to carry it into execution. The great object is, to prevent the importation; and, so far as relates to this end, the amendment will weaken the bill. Perhaps I may be under the influence of local prejudice, but there is no State in the Union more opposed to the importation of slaves than the State which I have the honor to represent. It was proposed by her, ten years ago, so to amend the Constitution as to give Congress the power of prohibiting the importation of slaves. I believe the proposition passed by an unanimous vote. Certain I am, it had my hearty approbation. But it seems to me if you give these people their freedom, and turn them loose, they must perish. As, therefore, the amendment is not essential to the law being carried into execution, I am opposed to it, not wishing to pass a law that will be disagreeable to any part of the Union.

Mr. EARLY.—It is not my intention to trespass on the patience of the House, or to press on gentlemen a greater attention to this important bill than they seem willing to give. I believe it is the view of every member of the Committee, and all parts of the nation, to put an end to this traffic; and I am persuaded I shall be believed by the Committee, when I assure them that, in framing this bill, I had my eye on those provisions which I thought would be best calculated to effect this desirable object. For the present, I barely mean to improve a little on the ideas thrown out by the honorable SPEAKER, which, in my opinion, admit of several most important views.

It is a principle in legislation, as correct as any which has ever prevailed, that to give effect to laws, you must not make them repugnant to the passions and wishes of the people among whom they are to operate. How then, in this instance, stands the fact? Do not gentlemen from every quarter of the Union prove, on the discussion of every question that has ever arisen in the House, having the most remote bearing on the giving freedom to the Africans in the bosom of our country, that it has excited the deepest sensibility in the breasts of those where slavery exists? And why is this so? It is, because those who, from experience, know the extent of the evil, believe that the most formidable aspect in which it can present itself, is by making these people free among them. Yes, sir, though slavery is an evil, regretted by every man in the country, to have among us in any considerable quantity persons of this description, is an evil far greater than slavery itself. Does any gentleman want proof of this. I answer that all proof is useless; no fact can be more notorious. With this belief on the minds of the people where slavery exists, and where the importation will take place, if at all, we are about to turn loose in a state of freedom all persons brought in after the passage of this law. I ask gentlemen to reflect and say whether such a law, opposed to the ideas, the passions, the views, and the affections of the people of the Southern States, can be executed? I tell them, no; it is impossible—why? Because no man will inform—why? Because to inform will be to lead to an evil which will be deemed greater than the offence of which information is given, because it will be opposed to the principle of self-preservation, and to the love of family. No, no man will be disposed to jeopard his life, and the lives of his countrymen. And if no one dare inform, the whole authority of the Government cannot carry the law into effect. The whole people will rise up against it. Why? Because to enforce it would be to turn loose, in the bosom of the country, firebrands that would consume them; for the best and strongest of all reasons, because men love their own preservation too well to take the steps most fitted to endanger it. This Committee need not now be told, that wherever people of color are found in a state of freedom—I mean in the States where they are found in considerable numbers—they are considered as the instruments of murder, theft, and conflagration. Suppose the power of the General Government able for a while to enforce such a provision, and to turn loose a few, or even a single cargo of persons of color, what do gentlemen suppose would become of them? Do they suppose the people of those States would permit them to live among them? They are mistaken. We are told it is cruel and disgraceful to keep them in slavery. There is no doubt of it. But would it not be more cruel to place them in a situation where we must in self-defence—gentlemen will understand me—get rid of them in some way. We must either get rid of them, or they of us; there is no alternative, and I leave it to gentlemen to determine which course would be pursued. There can be no doubt on this head. I will speak out; it is not my practice to be mealy-mouthed on a subject of importance. Not one of them would be left alive in a year. But I am not disposed on this occasion to stir up those sensibilities which are, on almost every question touching this subject, so apt to be excited. I feel it, however, my duty candidly to state my views on the subject; and if I have done it in plain language, I hope I shall be excused. People in any situation will be governed by the principle of self-preservation; and I beg gentlemen seriously to consider before they take measures which will place us and the people of color in a situation in which we must determine between our own lives and theirs.

Mr. J. Clay.—I shall vote against this amendment because I think it goes to destroy the efficacy of the bill. I have uniformly wished that Congress had possessed and exercised at a much earlier period the power of preventing the importation of slaves. But the effect of turning loose this species of property will be peculiarly dangerous. And whether the apprehension entertained be real or chimerical, the consequences will be precisely the same. If such be the opinion entertained of turning them loose, to set at large two or three hundred of those persons, ignorant and unacquainted with our language or habits, will, in fact, be turning loose so many depredators of the worst kind. Holding no communion with the whites, the morals of their associates will be corrupted, and ideas of freedom, however just in the abstract, will be inculcated, and may probably excite insurrections. Under this view of the subject, I ask whether any person in the Southern country will turn informer? I think not. So far as to the effects of this provision on the Southern country. Let us now come nearer home. Suppose there should be an information. The laws in several of the Southern States prevent the liberation of a slave, but on condition of his leaving the State. They will consequently migrate to the States where free persons of color are permitted to reside. Now I will ask my colleague, and the gentlemen from the Eastern States, whether, with this species of population, they would wish to increase their numbers? But whatever may be my final opinion on the bill, I believe the Committee are not at present prepared to act upon it. I therefore move that they rise.

Mr. Sloan begged to explain in a few words. He had not been understood. He had listened attentively to the gentleman from Georgia, and he was at a loss to know what had dropped from him calculated to excite his warmth; he appealed to the Committee if he had not expressed himself in the most conciliatory terms. He had stated the provision under consideration in such a way as to give no offence, and the gentleman would recollect that he had intimated that a further provision might be incorporated in the bill, to send back those persons of color that might be imported in contravention of law.

Mr. Smilie was in favor of the Committee rising, as he was confident the bill would not anwer in its present shape. He did not, however, pretend to say, that the amendment was the best that could be devised. He doubted whether it was. As the bill stood, they were involved in this difficulty. They must either adopt the amendment offered by the gentleman from New Jersey, or some one like it, or they would not avoid the odium of becoming themselves slave traders. He hoped, therefore, when the Committee rose, the House would agree to recommit the bill. Mr. S. said, he did not wish, by any means, to increase an evil which was too great already. He perceived one advantage that would attend the amendment. If the opinion of the Southern people was such as the gentleman from Georgia had represented it to be, they would not admit the importation of a single slave. He hoped, however, that the bill would be recommitted, and some effectual provision introduced. At present, he was inclined to think that the best remedy would be to send these people back to the country from which they came.

Mr. Quincy regretted that a motion had been made for the Committee to rise, as he considered it proper, previous to a recommitment of the bill, to ascertain the sense of the House on so important a principle as that contained in the amendment. Believing that they ought to do nothing contrary to the safety and the true interest of any part of the Union, and that this provision would have this effect, he was hostile to it, under the impression that it would be altogether ineffectual. He believed there would be found little difficulty in defeating it. What was to prevent the Legislature of Georgia, after Congress have declared these people shall be free, considering them as vagabonds, and selling them for a term of years, or for life, to the highest bidder. Mr. Q. concluded by saying, he wished the question to be taken on the amendment, that, after its rejection, the committee, to whom the bill should be referred, might direct their minds to a more effectual provision.

Mr. Macon, (Speaker.)—The gentleman from Pennsylvania, if he attends to the subject, will perceive that the recommitment of the bill will be of no use, until the principle under discussion shall be first settled. For my own part, I wish to frame such a law as shall prevent a single slave from being imported. It is objected to this bill, that it provides for these persons being sold, and for the United States receiving the proceeds. But let us examine this objection. Do not gentlemen recollect that, in case a judgment is obtained by the United States against an inhabitant of the Southern country possessed of slaves, they are liable to sale, and the money derived from them to be brought into the Treasury? To rise, without settling this point, will be useless; the committee, to whom the bill may be referred, will still remain in the dark, as to the sense of the House; they will be without any decision to guide them. Let this question then be first decided, and the bill be afterwards recommitted, if any new details are requisite.

I think one of the amendments suggested a good one, if there is any probability of its being executed. But what spirit is it that brings this description of people among us? Not the spirit of philanthropy, but the spirit of interest. And if we send these people back, the same spirit that brought them here will carry them to some other quarter of the globe, with the same views. If it shall be prescribed that the United States shall carry them back, that is, indeed, another question. I have no doubt this could be done.

There is, however, another question that presents itself on this same point. How are the United States, when they get them to Africa, to carry them to their own country, if it should not be situated on the seacoast? And if they set them loose and unarmed among nations who themselves pursue this traffic, they will be again seized and transported to other countries, where they may be sold. I believe the only effectual way to prevent their importation is, to impose heavy penalties, in enforcing which the citizens of the Union will generally concur. As the bill stands, it is, in my opinion, better calculated to have this effect than it would have with the amendment.

Mr. EARLY said, before the question was taken on the rising of the Committee, he wished to offer a word or two by way of explanation. From the observations of a gentleman from Massachusetts, he apprehended an expression used by him had been somewhat misunderstood. He alluded to the term "dare." In using this word he had meant to say, that the revenue officers, and no other persons, would dare to inform, because the passions of the people would be opposed to them. He begged that what he had said might be considered in this light and in no other.

While he was up he would add one word. The present objection to the bill seemed to arise from the repugnance of gentlemen to making the United States dealers in slaves. On this point he would ask a single question: How are we to enforce a single penalty of this law without consenting to become dealers in slaves? We have already affixed a penalty of $10,000, of $5,000, and of $500 to certain acts. How are these to be executed but on the real and personal property of individuals; and what are slaves in the Southern country but personal property? Without this power, therefore, we might not be able to recover a single dollar.

The question was then put, and the House divided on the Committee rising—yeas 41, nays 46.

Mr. COOK hoped the amendment of the gentleman from New Jersey would not prevail, the object of which would be to let loose a set of banditti, in hostility to the whole country; and if the amendment was introduced he did not believe it could be carried into effect. Whether some other regulation might not be introduced, was another question. At present he should give his hearty negative to the amendment.

The question was then taken on the amendment, which was disagreed to, only nineteen members rising in its favor.

Mr. BEDINGER moved to strike out the following words in the first section, after the word "color," "with intent to keep, sell, or dispose of such negro, mulatto, or person of color, as a slave." Mr. B. said his object was to prohibit persons of color from being brought into the United States, no matter what the intention was, with which they were introduced. Should this amendment be agreed to, his view was to offer another, imposing a penalty of one thousand dollars for every person thus imported.

Mr. MACON said he had no objection to making the law as strong as possible, but when this subject was before under consideration, some objection had been made to a like provision then proposed; and it was observed, that vessels trading to the East Indies were frequently compelled to avail themselves of the assistance of persons of color. He did not wish to throw any impediment in the way of a fair trade, although if such a provision were not objected to by mercantile men, he should have no objection to it whatever.

Mr. BEDINGER said he had been induced to make the motion, from fatal experience. The laws of the State he represented, required persons introducing slaves to take an oath that they did not intend to sell them, and yet they often did sell them; and when told that in doing so they had violated the law, they had replied, that they did not originally intend it, but were driven to it by their necessities.

Mr. EARLY had no objection to making this provision as extensive as gentlemen could wish, and to agreeing to a proper amendment, after it had been contemplated in all its bearings on the other parts of the bill; he wished to know, if such an amendment should be made, whether Mellimelli, or any person of color, could come to the United States. He doubted whether any of the Barbary Powers would, under such a provision, be permitted to send an Ambassador. For his own part he should have no objection to this, as he did not wish to see here any more Mellimellis.

Mr. ALSTON said he was in favor of such an amendment, as without it the bill would not be efficacious. The objection of the gentleman from Georgia did not apply. The description of persons referred to as proper to be excepted, could not be said to be imported, a term whose meaning only embraced those who were brought in by others. If the bill should be permitted to remain in its present shape, he would ask how the intention of an importer was to be ascertained, and whether if oath were made, that it was the intention not to sell them or treat them as slaves, the revenue officers would not be obliged to admit the importation? He therefore thought some such provision as had been mentioned necessary; but whether this was the precise one, he was not at present prepared to say; he thought it best for the Committee to rise.

Mr. EARLY thought some alteration in the wording of the section highly necessary. He believed it might be so altered as to guard not only against the apprehended evil, but likewise against one still greater than the bringing slaves into the Southern country. He alluded to the introduction of persons of color from the West India islands, who under the existing laws were not considered slaves. To afford an opportunity to mature some such amendment he moved that the Committee should rise.

Mr. Ely said there was another circumstance which rendered it necessary for the Committee to rise; there was another evil which required cure. According to two of the sections of the bill, the cargo was to be forfeited, if it should be brought into a State where there was no slavery. What would the effect be there? It would be a question whether they would be thereby manumitted? They were as liable to be brought into Massachusetts, where slavery was not permitted, as into any other State; and if sold in Massachusetts he wished to know what effect would ensue? If they were about to adopt a system of slavery in that State, he hoped neither the gentlemen from the North or the South would be in favor of the provision, as it would be in direct contravention of one of the principles of her constitution. For this reason, among others, he thought the subject required serious consideration, and that it was advisable for the Committee to rise, that the bill might go to a select committee for further investigation.

The question was then taken on the rising of the Committee, which was carried without a division and leave granted them by the House to sit again.

Thursday, December 18.

Another member, to wit: Andrew Gregg, from Pennsylvania, appeared, and took his seat in the House.

On motion of Mr. Stanton,

Resolved, That the Secretary of the Treasury lay before this House a statement of the direct tax, specifying the quotas assigned to each State, and the arrears, if any, of the individual States.

On motion of Mr. Crowninshield,

Resolved, That the Committee of Commerce and Manufactures be instructed to inquire into the expediency of erecting buoys and beacons on or near the rocks and shoals in the passages leading to Salem harbor, in the State of Massachusetts.

On motion of Mr. Dawson,

Ordered, That the petition of Robert Peter and others proprietors of squares and lots in the City of Washington, presented to this House on the fourteenth of March last, be referred to Mr. Dawson, Mr. Magruder, and Mr. Van Rensselaer; to examine and report their opinion thereupon, to the House.

Mr. Holmes, from the Committee of Claims, to whom was referred, on the fifth instant, the petition of Benjamin Sadler, made a report thereon; which was read, and ordered to lie on the table.

Mr. Darby, from the committee appointed on the eighth instant presented a bill to incorporate the Trustees of the Baptist Church, in the City of Washington; which was read twice and committed to a Committee of the Whole on Monday next.

The House proceeded to consider the resolution of the Senate appointing a committee, jointly, with a committee to be appointed on the part of the House of Representatives, for the purposes expressed in the "Act making a further appropriation for the support of a Library."

Resolved, That this House doth agree to the said resolution; and that Mr. Joseph Clay, Mr. Thomas M. Randolph, and Mr. Dana, be appointed a committee on their part.

On motion of Mr. Jeremiah Morrow,

Resolved, That the Committee on Public Lands be directed to inquire into the expediency of making further provision for the sale of the sections heretofore reserved for the future disposition of Congress; and that they report by bill, or otherwise.

Mr. Dawson, from the committee appointed, on the third instant, on so much of the Message of the President of the United States as relates "to a revision and amendment of the laws for the punishment of crimes against the United States," presented, in part, a bill to provide for the punishment of certain crimes against the United States; which was read twice and committed to a Committee of the Whole on Monday next.

On motion of Mr. Jackson,

Resolved, That the Committee on Public Lands be directed to inquire into the expediency of repealing so much of the act of Congress, of the twenty-third of March, one thousand eight hundred and four, as limits the time in which locations of Virginia military warrants shall be made.

Mr. J. Randolph, from the committee to whom was referred so much of the Message of the President of the United States as relates to the invasion of our territory by the troops of Spain, and to the adoption of measures for the protection thereof, respectfully recommended the following resolutions:

1. *Resolved*, That provision ought to be made by law to fortify and defend such position on the Mississippi, below the city of New Orleans, as the President of the United States shall designate for the protection of that city; and that further provision ought to be made by law for guarding the approaches to the same from the East.

2. *Resolved*, That the President of the United States be authorized to accept of any company or companies of volunteers, either of artillery, cavalry, or infantry, who may associate and offer themselves for the service, (not exceeding —— thousand men,) who shall be clothed and furnished with horses at their own expense, and armed, and otherwise equipped at the expense of the United States, except such of them as may choose to furnish their own arms, and whose commissioned officers shall be appointed by the respective State and Territorial authorities; who shall be liable to be called upon to do military duty at any time the President shall judge proper, within —— years after he shall accept the same; and when called into actual service and whilst remaining in the same shall be under the same rules and regulations, and be entitled to the same pay, rations, forage, and allowance for clothing, with the regular troops of the United States.

This report, together with the accompanying documents, were referred to a Committee of the whole House to-morrow.

IMPORTATION OF SLAVES.

The House again resolved itself into a Committee of the Whole, on the bill prohibiting the importation of slaves.

After a few remarks, from different gentlemen, on the amendment of Mr. BEDINGER, and a like provision, suggested by Mr. EARLY, which he said he would offer in case the former should be negatived, the question was taken on Mr. BEDINGER's amendment, which was not agreed to.

Mr. EARLY said, the fourth section required one or two small amendments. He accordingly moved to add, after the word "color" "unless previously sold, under a sentence of condemnation, by a court having competent jurisdiction." As the bill stood, there might be some doubt, whether the forfeiture would not attach to a sale subsequent to that consequent on condemnation.

Mr. BIDWELL said, in case the Committee should disagree to this amendment, he would move to strike out that part of the section which declared that persons of color, imported into the United States, should be forfeited.

The debate that ensued turned principally on the expediency of agreeing to this amendment, which was supported by Mr. BIDWELL, and opposed by Mr. EARLY.

Mr. BIDWELL observed, that there were strong objections against the forfeiture of persons of color imported into the United States. As the bill stood, the forfeiture was to be followed by a sale of these persons, as property, as slaves. On this point there was a great diversity in the laws and habits of the respective States; to avoid an interference with which, it appeared to him most advisable to do away the forfeiture, leaving their disposition to the provisions of the laws of the several States. If this part of the section should be struck out, those laws would operate on this point.

There would, he said, be a serious difficulty in adopting the principle of forfeiture accompanied with a sale. In some of the States, the idea of such a species of property was excluded by their constitutions; in those States there could be no such thing as a slave. It was true, that the constitutions and laws of such States did not go the length of interfering with the laws of other States, where slavery was permitted. If fugitives from them sought an asylum in the State of Massachusetts, for instance, they were faithfully restored, under the provisions of the Constitution of the United States. Neither did the laws of Massachusetts interfere with travellers passing through it with slaves; but so far as it respected persons coming to reside in the State, they were manumitted, as a matter of course. He believed that no contract for their sale within the State would be of any validity; nor did he believe any power had been given to the United States to render such sale valid. If there were such a power, its tendency would be to introduce into that State persons contrary to its laws. If such a sale were valid, it would interfere with those laws; and if not valid, it would be a perfect nullity, and the provision be thus altogether inoperative. It was admitted that there was no probability of such an importation into States where slavery was not allowed; yet such a thing might take place, and Congress ought not to legislate under the idea that it would not take place. Mr. B. said, he also felt repugnant to this provision, because it gave to the United States the price of this species of plunder; and carried it into the public Treasury—thus substituting the United States in the place of the first owners. His wish was, that the United States should themselves decline giving their legal sanction to any such sale, by leaving the business altogether to the several State authorities. This difficulty might be entirely avoided by striking out the forfeiture of persons, confining the penalty to a forfeiture of the ships, and imposing a fine on the owners. If this part of the bill should be struck out, other measures of prevention, in case they should be thought necessary, might be provided.

Mr. EARLY observed that this motion could only be viewed as an old thing offered in a new shape, intended to have the same effect as the motion offered the preceding day declaring persons of color imported into the United States free. He thought it betrayed great inconsistency. Those who advocated it had yesterday supported an amendment which, by declaring all such persons free, went directly to interfere with the laws of States where slavery was permitted; to-day they gravely maintained the inexpediency of any such interference whatever. The great difficulty insisted upon was, that the operation of this law in States where slavery was not permitted would contravene the existing laws by forfeiting the imported slaves. But this difficulty had no solidity in it—it was altogether ideal, as from the nature of things the case of an importation in such States could not occur; at all events, it was among the most improbable events in nature. It could not, therefore, be conceived that the present opposition to this provision of the bill was founded on the avowed ground; it must be bottomed on some other. As to the assumption that it would be an infraction of principle on the part of the United States to be concerned in any act which would involve a transfer of this description of persons, how did gentlemen who felt these scruples reconcile their objections with the act imposing a direct tax, in the collection of which slaves were considered as property, and were sold for its satisfaction in cases of default? How could they get over the difficulty which arose from the execution of laws imposing fines and penalties in the Southern States, under which slaves were sold as property? If it were still said that this was a violation of principle, it must be allowed that it was a violation which had been practised from the infancy of the Government.

Mr. E. concluded by observing that he had no objection so to modify the bill as to get over this ideal objection, to do which he had penned an amendment, the purport of which was so to alter the bill as to provide that the owner and master of ships in which slaves should be imported should each pay —— dollars, and that such ships should be forfeited in States not permitting slavery.

On agreeing to this amendment, the House divided—yeas 33, nays 42.

Mr. **Bidwell** moved to strike out all that part of the fourth section which related to the forfeiture of negroes.

Mr. **Early** asked, what substitute was intended.

Mr. **Bidwell** replied, that he should move that the Committee rise, and that the bill be recommitted.

Mr. **Quincy**, of Massachusetts.—I am opposed to the motion of my colleague, (Mr. **Bidwell**,) to strike out the forfeiture. The United States ought to retain the control of them. What is to be done with them, is another question. But for the United States to divest the old owners of their right, and provide no means for their protection afterwards, appears to me cruel and dangerous. They are helpless, ignorant of our laws, and of our language and manners. How are they to be supported? If imported into the South, they will be slaves; if into the North, vagabonds. My colleague ought to show what is to be done with them. I am not prepared with a plan, but I should suppose that they might be disposed of in service, in such States as would admit them, at the discretion of the Secretary of the Treasury. If forfeited to the United States, we can, by a general provision, do what we please with them. And I have no doubt that what we do will be both prudent and humane.

Mr. **D. R. Williams**.—I agree with the gentleman from Massachusetts, who spoke last, that the amendment ought not to be adopted. It is incumbent on the gentleman who introduced it, (Mr. **Bidwell**,) to tell us what is to be done with these negroes, if they are not to be forfeited. I say, it is his duty to inform us how they are to be disposed of. Give up the idea of forfeiture, and I challenge the gentleman to invent fines, penalties, or punishments of any sort, sufficient to restrain the slave trade. The same identical persons will break this law who have broken the act of 1794. And who are these persons? They are the gentleman's own countrymen; they are the people of Rhode Island, who are concerned in this business. You cannot stop the trade by penalties. I have myself seen a ship of more than three hundred tons, the George Washington, sold for five dollars. Nobody would bid. The gentleman over the way shakes his head; he acknowledges the truth of my remarks on his countrymen.

You have got, gentlemen, into a great difficulty. You are completely hobbled. It is so bad that you cannot go on, and you must stick where you are. Let me ask, what is the usual conduct of Legislatures on local subjects? Do they not inquire of those who are informed? Are they not guided by those who are competent to judge?

The gentlemen from the South, who understand this subject, tell you how this business must be done. But the gentlemen over the way seem anxious now, as on a former occasion, to draw a revenue from the blood and sweat of the miserable Africans. I will not say that this is their motive, but their conduct certainly justifies a suspicion, that their object is to pass such a law as will connive at the continuance of the trade, for the emoluments of their constituents.

Mr. **Bidwell** knew nothing of the New England men being concerned in this trade. He lived in the interior of the country, and had little acquaintance with mercantile men. If they were concerned, he was willing that they should be punished by fine and penalties, and to any extent; but he was still opposed to a forfeiture of the negroes generally by a law of Congress. The States may determine, perhaps, whether it shall be done.

Mr. **Quincy**, of Massachusetts.—I think I now understand the plan of my colleague, (Mr. **Bidwell**,) and I like it less than before. It is "to leave them to the operation of the laws of the respective States." This is only another form of expression of leaving them to be slaves. It is leaving the title of these persons according to the laws of the State into which they are imported. Is the gentleman sure this will not be an encouragement? It certainly will be, if the importer can find means to evade the penalty of the act; for there he has all the advantage of a market enhanced by our ineffectual attempt to prohibit. If he relies upon the penalty, I have no doubt it will be evaded. Persons without responsibility will be made captains of these ships, or other means devised to escape the penalty, and as his property is, by this amendment, secured to the owner, great profits will result from the traffic.

Mr. **Sloan**, of New Jersey.—I am opposed to the amendment which the gentleman from Georgia (Mr. **Early**) is anxious to introduce into the bill. I shall beg leave to drop a few sentiments on this subject that will go to the general issue. I shall say nothing of the morality or immorality of these, in the condition of this traffic. None but the Southern gentlemen have touched on this point. I hope that all of us are disposed to make this law effectual, and I trust that such an everlasting stigma will not be left on Congress, as it must be, if we leave these poor creatures in a miserable helpless condition.

I will drop a few words on the subject of yesterday's debate, respecting the forfeiture of negroes. The gentleman from Georgia (Mr. **Early**) attempted to terrify the Committee, by making a dreadful picture of the people's rising *en masse*. But I hope Congress will not leave the poor and needy, the dumb and the lame, and those who cannot plead their own cause, in the miserable condition gentlemen have described.

Mr. **Kelly**, of Pennsylvania, would not vote for the amendment of the gentleman from Massachusetts, (Mr. **Bidwell**,) until he knew what was to be substituted. Besides, if the amendment prevailed, it would interfere with the second section of the bill, and that must also be struck out.

Mr. **Alston** spoke a few words.

Mr. **Early**.—I did suppose that the United States would pass a law themselves, as soon as they had the power, to prohibit the slave trade effectually. But the gentleman from Massachusetts (Mr. **Bidwell**) proposes that Congress shall relinquish all the credit of this measure, and resign it up to the States. This, I hope and trust, Congress will never agree to.

If the amendment prevails, I tell you that slaves will continue to be imported as heretofore. I tell the gentleman from Massachusetts, what every man in the Southern States knows already, that slaves will continue to be imported, unless you forfeit them. You cannot get hold of the ships employed in this traffic. Besides, slaves will be brought into Georgia from East Florida. They will be brought into the Mississippi Territory from the bay of Mobile. You cannot inflict any other penalty, or devise any other adequate means of prevention, than a forfeiture of the Africans in whose possession they may be found after importation. I tell you this is the only effectual method. I implore Congress to look seriously on this subject. I implore them, if they do anything, to pass a law which will not disgrace themselves.

Mr. PITKIN, of Connecticut.—Mr. Chairman, I rise, sir, for the purpose of making a motion, which, I trust, will supersede the one now before the Committee. It is, that the Committee should rise, and that the bill before them be referred to a select committee. Under this motion, I presume it will be in order to state my reasons, generally, without being confined to the question of amending the fourth section of the bill, which is now before the Committee.

In my apprehension, sir, there are material defects, not only in the fourth section, but in other parts of this bill, and that amendments can be made with greater convenience and with more correctness in a select committee, than in the Committee of the Whole.

As an amendment to the fourth section has been moved, I shall beg the indulgence of the Committee, while I, in the first place, state my objections to this part of the bill. This section provides:

> "That if any negro, mulatto, or person of color, the importation or bringing of whom is by this act prohibited, shall, after the 31st day of December, aforesaid, be found within the United States, or the territories thereof, every such negro, mulatto, or person of color, shall be forfeited."

As the persons thus brought into the country contrary to law, are to be "forfeited," they are to be proceeded with, as appears, by a subsequent section of the bill, "in the manner prescribed by the act, entitled "An act to regulate the collection of duties on imports and tonnage."

What, sir, is this process? They are to be seized by the revenue officers as goods, wares, and merchandise, imported contrary to law. They are to be libelled in the federal courts, are to be condemned, and then sold to the highest bidder by an officer of the court at public auction, and one-half of the avails, at least, is to be paid into the Treasury of the United States. This, sir, is a proposition, this is a mode of proceeding against those persons, to which I cannot bring my mind to consent, unless *absolute necessity* should require it. What, sir, shall we, in a law made for the express purpose of preventing the slave trade, declare that these unfortunate blacks, brought into this country, not only against their own will, but against the express provisions of the law itself, shall be sold as slaves for the benefit of the United States, and the price of their slavery be lodged in the public coffers? I trust not, sir; I believe some other mode may be devised to prevent the slave trade. While I am unwilling to give my assent to this mode of disposing of them, I am free to confess that I feel the force of the remarks made by the Southern gentlemen, that, unless some care should be taken of them after they are landed, the property, and perhaps the lives of those who live in States where slavery is permitted, would be insecure. And here, sir, I would suggest, whether, instead of selling those unfortunate beings as slaves, provision might not be made, that they should be disposed of for a term of years; say seven, eight or ten years, until they should be able to support themselves, and at the end of the term they should be free. If Congress have power to prohibit their importation, they certainly have power to say, that the importer shall have no right or claim whatever in them; and also to declare what shall be their state and condition when imported. Indeed, sir, Congress have already determined this principle in May, 1800. They passed an act, in addition to an act, entitled "An act to prohibit the carrying on the slave trade from the United States, with any foreign place or country."

By the fourth section of this act, the commissioned vessels of the United States are authorized to seize and take any vessel employed in carrying on the slave trade with foreign countries, and in the same section it is declared, "that all persons 'interested in such vessels, &c., shall be precluded 'from all right or claim to the slaves found on 'board such vessel, and from all damages or retri'bution, on account thereof." And, I would here ask, whether it is not our duty to protect and take care of, these unfortunate wretches, who may be thus landed on our shores, destitute of every means, either of protection or support? For the latter clause of the fourth section of this bill is as follows: "And if any person or persons shall be 'concerned in buying or selling such negro, &c., 'every person so concerned, shall forfeit and pay 'five hundred dollars for each negro so bought or 'sold." Thus situated, they must either starve to death, or steal for a subsistence.

And here I cannot but remark, the inconsistency of the clauses in the fourth section. By the first clause, the negroes, &c., are to be forfeited, and, of course, to be sold at public auction; and in another clause, both those who sell and those who buy them, are subject to a penalty of five hundred dollars.

But, sir, the great object of the bill is to prevent the importation of slaves. Let us, in the next place, attend to the provisions in this bill, which are intended to effect this object. The second section is:

> "That, if any person or persons shall, after the 31st day of December aforesaid, build, equip, fit, load, or in any wise prepare, or shall engage or be concerned in preparing, &c., any ship or vessel, in any port or place within the jurisdiction or limits of the United States, for the purpose of employing such ship or vessel in importing any negro, &c., every such person shall forfeit and pay, &c., and such ship or vessel, shall be forfeited."

The penalties and forfeitures in this section are limited and restricted solely to vessels prepared, fitted, &c., "in any port or place within the jurisdictional limits of the Government of the United States." How easy will it be to evade the penalty of this section, by preparing or fitting vessels in a foreign port or place? And, sir, if the statement, just now made, by the honorable gentleman from North Carolina, (Mr. ALSTON,) be correct, it will not be more difficult to avoid the penalties and forfeitures of the third section. That gentleman has stated that it would be very easy for a vessel, in the course of an hour or two, to land a cargo of negroes on some one of the numerous islands along the Southern coast, and be off. If so, this part of the bill must be very inefficient, indeed. It says:

> "That, if any ship or vessel, laden in whole or in part, with persons, the importation or bringing of whom is, by this act, prohibited, shall, after the 31st day of December, aforesaid, be found in any river, port, or bay, or harbor, within the United States, or the territories thereof, or anywhere on the high seas, within the jurisdictional limits of the Government of the United States, such ship or vessel, together with her cargo, &c., shall be forfeited, and the owner and master, &c., forfeit and pay —— dollars."

Now, sir, according to this section, no vessel is forfeited, nor is the owner or master liable to a penalty, unless she is actually found within the jurisdictional limits of the Government of the United States. And here a very serious question may arise, how far, on the high seas, the jurisdictional limits of our Government extend; on this subject there is a diversity of opinion. Some contend that it extends but a marine league, or three miles from the shores, as the shores run; others, three miles beyond a line drawn from headland to headland; others extend it still further—the question is not yet finally settled in this country. But, sir, would it not be easy for a vessel to unlade her cargo by the means of lighters and boats, at a place clearly beyond our jurisdictional limits? In which case, she would not be liable to a forfeiture. In addition to this, the vessel must not only be "found" within our limits, but she must be "found laden in whole or in part, with persons, the importation or bringing of whom is by this act prohibited;" otherwise the forfeiture is not incurred, nor can any penalty be exacted from the owner or master. Thus, sir, for aught that is contained in this section, a vessel may unload just within our limits, and afterwards enter our ports in safety, or she can come within our limits, and if she can unload her cargo before she is found or seized, she will escape the forfeiture. These two sections, and the second and third, contain all the penal clauses in the bill; and I would submit it to the consideration of the Committee, whether it will not be necessary to add some further clauses more highly penal, if we really intend to prohibit this infamous traffic. Perhaps we may insert some of the provisions contained in the present laws against the slave trade, between the United States and foreign countries: That the owner or master of every vessel clearing for the coast of Africa, or suspected to be intended for the slave trade, shall give bond, that no slave shall be taken on board of his vessel, to be transported to this country; and provide, likewise, that the owner or master should forfeit and pay a certain sum for every slave he should put on board. I would go further, and say, that every person who should land a slave on our shores, should not only forfeit all his property, but should suffer the punishment of imprisonment.

For these reasons, sir, I hope the Committee will rise, and that the business will be referred to a select committee.

Mr. EARLY.—In answer to the gentleman from Connecticut, I will acknowledge that there is an inconsistency in this bill. But it seems very wonderful that the gentleman has at last found it out. I offered an amendment, a short time since, in order to obviate this inconsistency; but, unless I am much mistaken, that very gentleman voted against it.

In the name of all the friends of this bill, I offer my most grateful acknowledgments to the gentleman for proving, in the most incontestable manner, the absolute necessity of that very provision in the bill which he opposes. He has shown, most undeniably, that you must forfeit the negroes, that you cannot possibly get at the vessel or the captain, to operate on them. In the name of common sense, I ask you, then, what can you find to operate on, but the negroes imported? and yet, with these truths staring them in the face, gentlemen are opposed to the measure. I wish the gentleman from Connecticut, from the immensity of the resources which he has displayed on this subject, would tell us what, beside the negroes, can be found for the law to operate upon.

I am willing that the Committee rise, but not for the purpose mentioned. The gentleman moves you to rise, and refer the bill to a select committee; and for what? To determine the principle of the bill; not to specify the detail. What can the select committee report? Unless instructions are given them, they must report the same bill, and then you will be just where you are now.

Mr. BIDWELL thought it was premature to refer the subject to a select committee.

Mr. PITKIN.—I beg leave, Mr. Chairman, to explain myself. I am sorry I was so unfortunate as to be misunderstood by the honorable gentleman from Georgia, (Mr. EARLY.) He has stated that the objections which I made on the fourth section of the bill, were inconsistent with the vote I gave on the amendment to the same section, which he had proposed; and that, in case his amendment had been adopted, the difficulties which I had mentioned would have been removed. I trust, sir, I shall be able to satisfy the Committee, that no such inconsistency can be imputed to me. What was the amendment proposed? It was, in substance, that the negroes, "if they had not been condemned before by a court having jurisdiction of the same," should be forfeited. I voted against the amendment, because I conceived it wholly unnecessary, as no one would suppose they could be condemned twice; and, also, because I was opposed to that part of the section which was proposed to be amended. But how this amendment, if adopted, would have obviated my objections to the inconsistency of the two clauses in this section, is difficult for me to conceive. If the amendment had been adopted, the negroes were to be forfeited, once at least, and of course to be sold; but, by the last clause, no one could either buy or sell, without being liable to a heavy penalty.

As to this section in general, I did say, what I again repeat, sir, that unless absolutely necessary, I never would consent that those unfortunate blacks should be sold at auction, by the United States, in the same manner as they would sell a bale of goods.

The gentleman from Georgia has likewise said, that I have proved, conclusively, that the section must be retained, and the negroes must be sold, because I have declared, that the other parts of the bill are insufficient to prevent the importation of slaves. I leave the Committee to judge whether this is a just inference. I have endeavored to satisfy the Committee that the second and third sections of the bill are so limited in their provisions, that the penalties may be so easily evaded, that the object intended by the law, will not be enforced.

But, sir, if I have succeeded in this, if I have proved the inefficiency of the present bill to answer the important object we have in view, that is, to prevent the importation of the people of color into the United States, does it follow, that we must retain a section, which says, that the importer shall not make slaves of them, but that the United States will make slaves of them themselves? I should suppose that the just inference would be, that we ought to insert clauses which would be more efficient, and that, for this purpose, the bill ought to be referred to a select committee.

The question being taken on the Committee's rising, it was carried—ayes 72.

Mr. PITKIN hoped they would not have leave to sit again.

Mr. SLOAN.—Notwithstanding the very high respect I entertain for the gentleman who reported this bill, I think it is easier to make an entire new one, than to undertake to amend this, so that it will answer.

The question being taken on the Committee having leave to sit again, it was lost—ayes 45, noes 57.

The bill was then recommitted to a committee of seven, consisting of Messrs. EARLY, T. M. RANDOLPH, KELLY, J. CAMPBELL, KENAN, COOKE, and VAN RENSELLAER.

Mr. SMILIE invited the attention of the House to the introduction of a new principle into the bill—a principle which, in his opinion, involved the reputation of the country. In looking over the bill, he had been struck with surprise to find no penalty attached to one of the highest crimes man could commit. He believed there was not a State in the Union that did not inflict the punishment of death on wilful murder. A captain of a ship engaged in this traffic was guilty of murder.

Mr. S. said he was well aware of the propriety of proportioning punishments to crimes. In this instance, he thought, by annexing death to the perpetration of this crime, this proportion would not be violated. He did also believe that the people of the United States viewed the subject in the same light. He was certain those of the State in which he lived did. Under this impression, he would offer for the consideration of the select committee a new section, prescribing that if any person should take any negro or mulatto, without their consent, with an intent to sell them as slaves, and transport them into any place within the jurisdiction of the United States, they should be considered as guilty of felony, and on being convicted, suffer death.

The SPEAKER observed that it was not at present in order to receive this motion, unless in the shape of an instruction to the committee to whom the bill had been recommitted.

Mr. SMILIE said, as the hour was late, he would withdraw the motion for the present, and take occasion to renew it on a future day.

FRIDAY, December 19.

Another member, to wit: ABRAM TRIGG, from Virginia, appeared, and took his seat in the House.

Mr. BOYD, from the Committee on the Public Lands, presented a bill to revive and continue in force, an act, entitled "An act for the relief of the refugees from the British Provinces of Canada and Nova Scotia;" which was read twice and committed to a Committee of the Whole on Monday next.

Mr. EARLY, from the committee to whom was yesterday recommitted the bill to prohibit the importation or bringing of slaves into the United States, or the Territories thereof, after the thirty-first day of December, one thousand eight hundred and seven, reported an amendatory bill with the same title; which was twice read and committed to a Committee of the Whole on Monday next.

The House resolved itself into a Committse of the Whole on the bill to change the name of the district of Nanjemoy to that of St. Mary; and, after some time spent therein the Committee rose and had leave to sit again.

REFINED SUGAR.

Mr. CROWNINSHIELD, from the Committee of Commerce and Manufactures, made a report on the petitions of sundry inhabitants of Philadelphia and Baltimore, praying for a drawback of duties on refined sugar exported.

The report states that the subject was fully examined by the committee in the last Congress, to which report they refer for their reasons against granting the prayer of the petitions, concluding with a resolution, declaring it inexpedient to grant the prayer of the petitioners.—Referred to a Committee of the Whole on Tuesday.

Mr. CROWNINSHIELD then moved the following resolution:

Resolved, That it is expedient to reduce the duties on foreign refined sugar and sugar candy, from and after the —— day of —— next, and that all restriction at present imposed on the importation and exportation of refined sugar be removed.

Mr. Crowninshield remarked that the duties at present paid on the importation of these articles were exceedingly high, and operated as a monopoly to domestic sugar refiners. He was opposed to any such monopoly, and to such exorbitant duties. His object was to call the attention of the House to the subject—for which purpose he moved the reference of his resolution to the same committee with that to which the report had been referred, in which motion the House concurred.

CONTESTED ELECTIONS.

On motion of Mr. Bidwell the consideration of the bill "to revive and make permanent an act to prescribe the mode of taking evidence in cases of contested elections for members of the House of Representatives of the United States, and to compel the attendance of witnesses, and in addition to the same," was resumed in Committee of the Whole.

Mr. J. Clay offered two new sections, in conformity with the intimation made by him when the bill was before under consideration, the purport of which was—

Sec. 3. *And be it further enacted,* That if, on due examination made according to the provisions of this act, and of the act hereby revived and made permanent, it shall be proven to the satisfaction of the magistrate before whom the examination shall have been had, that at any election by ballot for any member or members of the House of Representatives, any person or persons shall have voted who may not at the time of such election be legally entitled to vote, the person or persons so having voted shall be examined upon oath or affirmation touching the candidate or candidates for whom they may have voted. And the said magistrate shall have like powers to summon and compel such person or persons so voting as aforesaid, to attend, as are provided by the act revived and made permanent by this act, and under like penalties, and with like allowances for attendance and travelling as other witnesses. And it shall be the duty of the said magistrate to reduce the examination of the person or persons so illegally voting, to writing; and to transmit it, duly certified with the other testimony touching the case, to the Clerk of the House of Representatives of the United States, for the time being. And if any such person, or any other witness, summoned to attend as aforesaid, shall refuse to answer, such person or witness, so refusing, shall be fined in a sum not exceeding twenty dollars, to be recovered in like manner as other penalties or fines imposed by the aforesaid act.

"Sec. 4. *And be it further enacted,* That no testimony or examination, taken in pursuance of any of the provisions of this act, or of the act revived and made permanent by this act, shall ever be given as evidence in any court of law or equity, in support of any action of debt, damage, or trespass, or in any criminal prosecution against any person or persons so examined, excepting in actions of debt for the recovery of fines and penalties imposed by this and the aforesaid act."

On these provisions a debate of some length arose. Messrs. J. Clay, Elliot, Smilie, and Findley, supported, and Messrs. Varnum, Bidwell, and Sloan, opposed the amendments.

By the former gentlemen it was observed, that the provisions submitted were offered for the purpose of preserving sacred the right of election; that, under the existing provisions of law, it was frequently necessary, in the case of a number of bad votes being given, either to confine the returns, where there was great appearance of fraud, or to set aside the election altogether and order a new one. This was a great grievance, that loudly called for redress, if any means could be devised for affording it. It was added that a similar provision had been adopted in the State of Pennsylvania, and had been carried into effect without inconvenience; and that even if it should be acknowledged that it would be attended with some inconveniences, it did not follow that it was not freer from objection than any other provision which could be devised.

On the other hand it was contended, that the right of ballot was justly considered sacred, and that whatever tended to impair it ought to be resisted; that, in this instance, although nominally the power given to the magistrate only applied to persons not legally qualified to vote, it virtually gave him the right of determining who were or were not so qualified. On this point the magistrate was liable to misjudgment, and might consequently compel a qualified voter to declare for whom he voted, and thus destroy the sacredness of the ballot. Nor was it uncharitable to suppose, that in addition to the mistakes of the magistrate, party spirit might in some instances carry him beyond the bounds of propriety. It was besides a strong objection to the proposed provision, that it made the issue of an election depend on the oaths of persons who had previously committed a fraud by giving illegal votes.

After this discussion the Committee, without coming to any decision, rose and asked leave to sit again, which was refused, and the bill recommitted to Messrs. Bidwell, Halsey, Smith of Pennsylvania, Smith of Virginia, Pitkin, R. Nelson, and McFarland.

Monday, December 22.

The Speaker informed the House that he had received a letter, addressed to the House, from Isaac Williams, a deranged man, and the same person who had communicated an address to the House at the last session, on which no order was taken.

On motion of Mr. Marmaduke Williams,

Resolved, That a committee be appointed to inquire into the expediency of extending the power of granting injunctions to the judges of the district courts of the United States; and that they have leave to report by bill or otherwise; and a committee was appointed, of Mr. Marmaduke Williams, Mr. Jackson, Mr. Ellis, Mr. Sandford, Mr. Masters, Mr. Kelly, and Mr. Fisk.

Mr. Van Cortlandt, presented to the House a petition of the President, Directors, and Company of the Highland Turnpike, in the State of New York, which was received and read, praying the aid of Congress to enable the said company to complete the turnpike road from Kingsbridge, on the east side of Hudson river, across the Highlands to the city of Hudson, in the said State of New York.—Referred to Mr. VAN CORTLANDT, Mr. SOUTHARD, Mr. VARNUM, Mr. TRIGG, and Mr. RHEA, of Tennessee; to examine and report their opinion thereupon to the House.

The House resolved itself into a Committee of the Whole on the bill supplementary to the act, entitled "An act regulating the grants appropriated for the refugees from the British provinces of Canada and Nova Scotia;" and, after some time spent therein the Committee rose, and had leave to sit again.

Ordered, That the representation of George Gilpin, and William H. Dorsey, Judges of the Orphans' Court of the counties of Alexandria and Washington, in the District of Columbia, presented to this House on the seventh of January, 1804, be referred to Mr. JOHN RANDOLPH, Mr. COVINGTON, and Mr. PORTER; to examine and report their opinion thereupon to the House.

MAIL CONTRACTS.

The SPEAKER laid before the House a letter, directed to them, from Charles Bruce, representing that the Postmaster General had given a contract to another person for a higher sum than that bid by him, and implicating a member of the House in the transaction.

Some conversation ensued on the disposition of these papers.

Mr. ELLIOT was of opinion that, considering their nature and the mode of presentation, no notice ought to be taken of them.

Mr. ALSTON said he had seen Bruce in North Carolina, who was there using language similar to that contained in the letter. When he came to this place he had made inquiry on the subject, of the proper officer, and had learned that Bruce had previously been a contractor, and had failed in several contracts—and that it was for this reason that his proposals had not been accepted.

Mr. EARLY called for the reading of the documents, from which it would appear that one of Bruce's own sons, who had been a contractor, had robbed the mail. Mr. E. added that he knew this to be a fact, and that the man was now in jail suffering for the crime.

Mr. BIDWELL moved that the communication should be referred to the Post Office Committee.

Mr. D. R. WILLIAMS opposed the motion, which was lost without a division. No further order was taken on the subject.

EXPLORATION OF WESTERN WATERS.

Mr. ALSTON, from the Committee to whom was referred so much of the Message of the President of the United States as relates to the farther exploring of the western waters, made the following report:

That considerable information has already been derived from those expeditions which have taken place, under the direction of the President of the United States, in exploring the western waters. The river Missouri, has, by Messrs. Lewis and Clarke, been traced nearly to its source; the Mississippi, by Lieutenant Pike, to its source; and the Red River, by Mr. Freeman, about six hundred miles from its mouth, nearly as far as the French settlements extended.

The important surveys made by Messrs. Lewis, Clarke, and Freeman, in addition to those before made, furnish materials for commencing an accurate map of the Mississippi and its western waters; some principal rivers, however, remain still to be explored. The ridges or mountains from which the sources of these rivers spring, in a great measure form the exterior boundary of the newly acquired territory of the United States on the west side of the Mississippi. It therefore makes it the more important that the work commenced of exploring the western waters should be carried on and finally completed.

Your committee, therefore, recommend the adoption of the following resolution:

Resolved, That the sum of $ —— be annually appropriated for the term of —— years, for the purpose of enabling the President of the United States further to explore the western waters of the United States.

Referred to a Committee of the whole House on Thursday next.

DEFENCE OF NEW YORK HARBOR.

Mr. CLINTON, of New York, presented several petitions from the inhabitants of New York, praying that the city may be adequately fortified.

[NOTE.—These petitions were alike, being signed only by different petitioners.]

Mr. CLINTON moved that they be printed. On dividing the House, the motion was lost.

Mr. THOMAS, of New York, called for the reading of the petitions. As the House had decided that they should not be printed, it was proper the members should hear them read. This motion was carried.

The Clerk had read a few sentences only, when Mr. THOMAS called for order. There was so much noise and disturbance in the House, he could not hear the Clerk read. The SPEAKER having restored order, the Clerk finished the reading of the petitions.

Mr. VARNUM, of Massachusetts, rose to inquire by whom the petitions were signed, whether by the Corporation of New York, or by individuals.

The SPEAKER replied, that they were signed by individuals only.

Mr. VARNUM then moved that the petitions be printed, in order that the public might know who were the persons that had signed the petitions.

The SPEAKER observed, that a motion for printing the petitions was not in order, as the House had already decided that question. It might, however, be done, if a motion to reconsider that vote should be made and carried.

Mr. VARNUM then moved to reconsider the vote already passed. It being carried—ayes 53, noes 43, Mr. V. then renewed his motion for printing, which was seconded by Mr. QUINCY, who remarked that he understood the motion to be that the names of all the signers be printed.

Mr. SMILIE, of Pennsylvania, believed that such a thing had never been done before.

Mr. Dana, of Connecticut, called for a division of the question.

Mr. Crowninshield inquired, if the signers were numerous. If they were, the printing would be expensive.

The Speaker replied, that they were very numerous.

Mr. Smilie thought, if the House agreed to printing the names, the precedent would be very inconvenient.

Mr. Bidwell, of Massachusetts, expressed his opinion in favor of printing.

Mr. Dana objected to printing the names. The object of the memorial is of general importance; and if the facts stated are true, and the arguments solid, it makes no difference whether there are few or many petitioners.

Mr. Quincy concurred in sentiment with the gentleman from Connecticut. If, therefore, the original motion, included the names, he would wish not to be understood as seconding it. He would withdraw.

Mr. Elliot, of Vermont, hoped the names would be printed. He wished that the name of every man in the Union, who is willing to defend his country in this alarming crisis, could be printed. He wished that the yeas and nays, on the question of defence, could be taken throughout the seventeen States.

Mr. Gregg, of Pennsylvania.—According to the motion of the gentleman from Vermont, every man's name in the Union must be printed, as all are willing and ready to defend their country when necessary. He had no objection but the expense, though it was contrary to the usual mode of doing business.

Mr. Thomas was against printing the names. Few of the subscribers were known to any members of the House.

The Speaker rose to state the question, when Mr. Alston, of North Carolina, began to speak. The Speaker said, he would state the question, if the gentleman from North Carolina would permit him. He understood the motion to be, that the petition, with the names of the subscribers, be printed.

Mr. Alston understood the question differently from the Speaker. He concurred in sentiment with the gentleman from Pennsylvania, (Mr. Gregg,) in the impropriety of printing.

Mr. Smilie understood the motion to be, that the petition be printed without the names, and that the amendment proposed was to print the names also.

The Speaker declared himself willing to be corrected, if he had mistaken the motion.

Mr. Varnum said, he moved for the printing of the petitions generally. That motion would not comprehend the names. This was his view of the subject.

Mr. Quincy understood his colleague otherwise. He (Mr. Varnum) had certainly said that he wished the petition printed, in order that the public might know who had signed them.

Mr. D. R. Williams inquired if the motion to print the names was withdrawn. If it was, he would renew it. He wished all the information on the subject he could obtain, and for that reason, he wished the names of the petitioners published. The printing of the petition could furnish no new information, for it had been already printed all over the continent before it was presented to Congress. This Mr. W. thought very unfair and indecorous, in the petitioners. He concluded, by moving that the motion be amended so as to comprehend the printing of the names.

Mr. Varnum agreed that his colleague (Mr. Quincy) had correctly stated his observations. He had, indeed, expressed a wish that it might be known who were the petitioners.

Mr. Dana was opposed to printing the names, but was solicitous that the petition might be printed. It would be convenient for the members to have it on their desks to refer to. Mr. D. conceived that the petitioners did not deserve the imputation of the gentleman from South Carolina, (Mr. D. R. Williams.) The petitions had been distributed in all the wards of New York for signers, and the publication of them could not be prevented.

The question being taken on the amendment offered by Mr. D. R. Williams, to print the names of the petitioners, it was lost—ayes 11. The question was then taken on the motion to print the petitions, which was also lost—ayes 46, noes 60.

MANHATTAN COMPANY.

Mr. Clinton presented a petition from the President and Directors of the Manhattan Company in New York. The petition states that the law which directs that custom-house bonds shall be exclusively deposited in the United States Bank, affects their interests very injuriously; that the monthly deposits at New York amount, on an average, to $250,000. That the merchants dealing at the Manhattan bank, make in Manhattan notes large payments on account of custom-house bonds into the United States Bank, which, by means of their notes, draws largely on the Manhattan bank for specie; that, by these and similar means, the United States Bank regulate the discount, and contract the business of all the other banking institutions in the city. That the reasons which once existed for giving the United States Bank a preference, have since ceased, by the sale of the public stock. But the stockholders in the United States Bank are now almost entirely foreigners, which circumstance is favorable to the erection of foreign influence in this country, and ought to excite alarm.

Mr. C. said that as the subject related to the revenue, he moved the reference of the petition to the Committee of Ways and Means.

Mr. Crowninshield thought that the subject had no connexion with the revenue. In his opinion, however, the petitioners stated very strong reasons in support of their petition. They also seem to intimate a wish that they should be allowed a share in the deposits, which Mr. C. thought no more than reasonable. He concluded, by moving a reference of the petition to a select committee.

Mr. C. withdrew his motion that the petition be referred to the Committee of Ways and Means.

Mr. —— immediately renewed it.

Mr. Quincy was personally indifferent whether the petition was referred to the Committee of Ways and Means, but, as the subject manifestly affected the revenue, it was proper to refer it to that Committee. It was a question very material to the revenue, whether the custom-house bonds should be deposited in the United States Bank. The contrary supposition implies that all banks are solid and secure.

Mr. Crowninshield conceived that the subject of the petition had no more relation to the Committee of Ways and Means than to that of Commerce and Manufactures, or any other standing committee of the House. Its object was, to procure relief against an injurious monopoly, possessed by a particular banking company. It neither proposed to give or take away one shilling of the public money. The Committee of Ways and Means were already pressed with a great deal of matter. Mr. C. did not wish to trouble the House with the United States Bank, but more than sixteen years they had enjoyed an exclusive monopoly, which has been very injurious to all other banking institutions, as has been very properly detailed in the petition. He meant to propose a plan for equalising the benefits of the deposits. This is a subject which deeply interested the constituents of his colleague, (Mr. Quincy.) The merchants of Boston cannot procure any large sums except from the United States Bank, which controls all the other banks in that town.

The Speaker informed Mr. Crowninshield that it was improper to speak of any gentleman's district.

Mr. Quincy observed, that all subjects relating to the revenue properly belonged to the Committee of Ways and Means. The present subject deeply implicates the revenue, because it all depends upon being safely deposited. His colleague seemed to have a great fellow-feeling for the Committee of Ways and Means, and appeared to be anxious lest they should be pressed with too much business; but that committee had sufficient time to consider all the business referred to them.

The question being taken on referring the petition to the Committee of Ways and Means, it was lost—ayes 32. It was then referred to a select committee of nine.

Tuesday, December 23.

Another member to wit: Edwin Gray, from Virginia, appeared, and took his seat in the House.

The Speaker laid before the House a letter from the Secretary of the Treasury, enclosing the report and transcripts of decisions made by the Commissioners appointed to examine the claims to land in the district of Vincennes, in conformity with the several acts making provision for the disposal of the public lands in the Indiana Territory; which were read, and referred to the Committee on the Public Lands.

The Speaker laid before the House a letter from the Secretary of the Treasury, transmitting a statement of the amount of deposits of the public money in the United States and other banks for the last three years; together with a table showing the balances in favor of the United States, remaining in the said banks, respectively, for that period, distinguishing the amount in each year; which were read, and referred to the committee appointed yesterday on the petition of the President and Directors of the Manhattan Company, of the City of New York.

The following Message was received from the President of the United States:

To the Senate and House of
Representatives of the United States:

I now lay before you accounts of the sums which have been expended by the United States on the Capitol, the President's House, the Public Offices, the Navy Yard, and the Marine Barracks, respectively; and the amount expended on other objects of public expense within the City of Washington, as requested by your resolution of the fifteenth instant.

TH. JEFFERSON.

December 23, 1806.

The Message was read, and, together with the documents accompanying the same, ordered to lie on the table.

Mr. Dawson, from the committee to whom was referred, on the seventeenth instant, the petition of sundry inhabitants of the counties of Alexandria and Washington, in the District of Columbia, made a report thereon; which was read, and referred to a Committee of the Whole House on Friday next.

Mr. Magruder, from the committee appointed on the seventeenth instant, presented a bill authorizing the discharge of William Hearn, from his imprisonment; which was read twice, and committed to a Committee of the Whole on Friday next.

Mr. John Randolph, from the Committee of Ways and Means, presented a bill making appropriations for the support of the Navy of the United States, during the year one thousand eight hundred and seven; which was read twice, and committed to a Committee of the Whole on Friday next.

Mr. John Randolph, from the same committee, presented a bill making appropriations for the support of the Military Establishment of the United States, for the year one thousand eight hundred and seven; which was read twice, and committed to a Committee of the Whole on Monday next.

NATIONAL DEFENCE.

Mr. Elliot rose for the purpose of offering the resolutions of which he had given previous notice. He said he should not on this occasion avail himself of the ordinary indulgence of the House so liberally accorded to members who made long speeches on short resolutions. If the resolutions should be seconded, he would briefly state their general object, and then move their reference to a Committee of the Whole on the state of the Union, and if so referred, he would on a future day (for the state of his health did not admit of it on this day) assign at length his reasons for them.

Mr. Elliot then offered the following resolutions:

1. *Resolved,* That it is expedient to make provision by law for the further and more effectual protection of the commerce, the seamen, the harbors, the coasts, and the frontiers of the United States.

2. *Resolved,* That, for the great purposes of national protection and defence, it is expedient to provide, by law, for repairing, manning, and supporting in actual service, the whole of the frigates and smaller vessels of war belonging to the United States.

3. *Resolved,* That it is expedient to provide, by law, for defraying the expenses incident to building two new frigates, to supply the places of the Philadelphia, which was lost during the late war with Tripoli, and the General Greene, which has been condemned as unfit for service.

4. *Resolved,* That provision ought to be made, by law, for preparing two or more navy yards, and navy arsenals, situated on or near the margin of the ocean, for the reception of ships and vessels of war, and for other naval purposes.

5. *Resolved,* That a committee be appointed to inquire what provision it may be necessary to make, by law, in relation to the location, establishment, and superintendence of navy yards and naval arsenals, and that the said committee report by bill, or otherwise.

6. *Resolved,* That a committee be appointed to inquire what further measures are necessary for the protection of American seamen, and for their release and indemnification when impressed into foreign service by the officers or subjects of foreign Powers, and that the said committee report by bill, or otherwise.

7. *Resolved,* That a committee be appointed to inquire into the situation of the fortifications of the ports and harbors of the United States; into the practicability and propriety of a general system of fortification, and the expense with which it would be attended; and, also, into the best method of fortifying the port of New York, and the other principal ports which are now in a defenceless state, and that the said committee report a statement of facts, with their opinion thereon, to the House.

8. *Resolved,* That a committee be appointed to inquire into the expediency of investing the President of the United States, by law, with ample powers to cause every aggression and attack upon the rights, the honor, and the interest of the United States, which may be committed or commenced by the officers, citizens, or subjects of any foreign Power, within the ports or harbors of the United States, within the waters under their jurisdiction, and upon the high seas within certain distances of the coast, to be immediately repelled, and effectually chastised, and that the said committee report by bill, or otherwise.

9. *Resolved,* That a committee be appointed to revise the existing laws respecting the militia; to devise means for completely arming and equipping for actual service, and for more effectually organizing and disciplining the whole of the militia of the United States, in order to render it an efficient force for the protection of the United States from invasion by any foreign Power, and that the said committee report by bill, or otherwise.

The Clerk having read the resolutions, Mr. Elliot moved their reference to a Committee of the Whole on the state of the Union.

It was suggested that most, if not all the subjects embraced by these resolutions, had been already referred to committees appointed on the several members of the President's Message, and that consequently a similar reference to other committees would, without any good purpose being attained, tend to complicate the proceedings of the House; and a question of order was raised as to the regularity of committing them.

The Speaker said that as the resolutions, though in some respects similar to the subjects already referred, in other respects varied from them, he considered the motion of reference in order.

Mr. Elliot said a few words to the same effect, and stated his wish to be afforded an opportunity on a future day, should the resolutions be committed, of offering his sentiments at length on the interesting objects embraced by them.

On referring the resolutions to the Committee of the Whole on the state of the Union, the House divided—only 32 members rising in the affirmative, the reference was disagreed to, when the resolutions were ordered to lie on the table.

IMPORTATION OF SLAVES.

The consideration of the bill prohibiting the importation of slaves into the United States was resumed in Committee of the Whole.

Mr. Early moved to strike out that part of the bill which declares the importation of persons of color into the United States felony, and punishes it with death.

This motion was supported by Messrs. Early and Holland, and opposed by Mr. Smilie, and agreed to—ayes 60, noes 41.

Mr. Bidwell renewed the motion formerly offered by him, so to amend the bill as to prevent the forfeiture of persons of color imported.

On this amendment a debate of considerable length ensued, in which Messrs. Bidwell, Cook, Sloan, Fisk, Bedinger, and Smilie supported, and Messrs. Lloyd, Early, Elmer, Alston, and Macon, opposed it.

The advocates of the motion observed, that when a former bill on this subject was before the House, a motion had been made to amend a section then under consideration, by striking out the forfeiture of persons imported as slaves. Before the question was taken on that amendment, another motion, prior in its nature, was made and carried, that the Committee should rise. The House afterwards recommitted the bill to a select committee, who reported it in the present form. They regretted then, and still regretted, that they did not first settle the principle by a vote which might have been an instruction to the select committee in redraughting the bill. And they thought it their duty, in this stage of the business, to take the sense of the Committee of the Whole on this point. The section under consideration related to a ship or vessel laden in whole or in part with persons, the importation or bringing of whom into the United States was prohibited. If the vessel was found in any of our ports, the owner and master are severally subjected to a pecuniary penalty. But there was no forfeiture of the vessel or cargo, unless found in a harbor of some State whose constitution and laws permitted slavery. In that case, both the vessel and her cargo are to be forfeited, and, by another section of the bill, are to be sold under the authority and for the benefit of the United States. By the very terms of the provision, the cargo will consist in whole or in part of persons whose importation is prohibited—that is, persons unlawfully and forcibly taken by the crew of the slave ship, or somebody whom they may have employed for that purpose. For, in point of legal or moral principle, it made no difference whether the crew of an American slave ship, upon their arrival on the coast of Africa, go ashore themselves, or by surprise or force take possession of their prisoners, or, by the offer of a price, tempt some tribe or party of the natives to make the seizure for them. The crime is the same and the injury the same to the sufferers. In either case they are, without their consent, and against their will, by force and arms, torn from their homes, from their families, their parents, their children, their husbands, and wives, their brothers, friends, and acquaintance, from all those tender relations, which they, as well as we, have hearts to feel. In spite of entreaties, or cries and tears, they are unfeelingly dragged to the shore, hurried on board, crowded into the hold, loaded with chains, and transferred to their native land. Those of them who do not commit suicide through terror or despair, who do not sink beneath the rigor with which they are treated, or fall a prey to the diseases generated by their situation, are brought across the ocean to this country. The moment they arrive in any harbor within the jurisdictional limits of the United States, they are met by this law which we are now passing. It finds them, by the laws of God and man, entitled to their freedom as clearly and absolutely as we are. They are not, by any law, human or divine, the slaves of any master. They are not the lawful property of any owner. They are no more the property of those who hold them in duress than the man who is robbed is the property of the highwayman while in his power. Their detention is a wrongful, false imprisonment. In this very bill we declare it to be a high crime. By the same law we condemn the man-stealer and become the receivers of his stolen goods. We punish the criminal, and then step into his place, and complete the crime which he had only begun. We ourselves do that which we prevent him from doing; that which he had crossed and recrossed the Atlantic, at the hazard of his life and the sacrifice of his character and his conscience, to be enabled to do. We sell his victims as slaves, receive the price of their slavery, and put it into the public treasury; and the vendee holds them and their children, from generation to generation, in perpetual slavery, by a title derived from our law. In short, we assume to ourselves, as a Government, the exclusive right of selling slaves imported into the United States. It is very different from a case alluded to in the debate of a former day—the case of a judgment in favor of the United States against a debtor, on which, if a writ of execution is issued against his goods and chattels, in a State where slaves are considered personal estate, they may be taken and sold as such in satisfaction of the execution. There the process of the United States only operates to transfer from one master to another a title created and existing by the law of the State—a law which ours cannot constitutionally control, and to which it must conform. But when a person of the description referred to in this section is forfeited, as a part of the prohibited cargo, and sold accordingly, the purchaser's title to him as a slave is derived immediately, originally, and solely from the United States. For the honor of the nation, it was hoped their statute books would never be stained with such a provision. The President, in his Message to both Houses of Congress, has congratulated us upon the approach of the time, when, agreeably to the Constitution, we may prohibit the African slave trade. In mentioning it, as a subject of congratulation, he has spoken the language of humanity, of justice, and sound policy, the language and sentiment of the nation. They hoped they should pass the prohibition, which was thus recommended, and share in the honor of passing it. But, ardently as they wished this, they would prefer to pass no prohibitory act; they would rather do nothing at all upon the subject, than adopt a principle which appears so objectionable. They trusted, however, it would not be adopted. To try the sense of the Committee upon the question, it was moved, as an amendment to this section, after the word vessel, in the tenth line, to strike out the words, "if brought into any port or place within a State or Territory, the Constitution and laws of which permit slavery, shall, together with her cargo, tackle, apparel, and furniture," and, instead thereof, to insert these words, "Shall, together with her tackle, apparel, and furniture, and all her cargo, except persons;" so that the clause may stand thus: "and such ship or vessel shall, together with her tackle, apparel, and furniture, and all her cargo, except persons, be forfeited."

The opponents of the amendment, observed that its advocates had acted the part of a physician who should tell his patient, you are in extreme danger, you have a violent disease, it is necessary to do something. They had portrayed in vivid colors the nefarious nature of this traffic; but had objected to the only practicable mode of arresting it, without even suggesting a substitute for it. When asked what they will do with these people when brought among us, they answer they will not dispose of them in this or that way, but will leave them for future disposition. Some gentlemen had indeed undertaken to strike out a plan for their further disposition, and recommended their deportation; others had objected to this course. Some were for leaving them to the States, to which, too, others were opposed. What was the result of all this, but that gentlemen could not agree among themselves on any other practicable plan than that contained in the bill? What was the natural conclusion, but that this was the only practicable plan that could be devised? The great object was to pass such laws to remedy the evil, as would be carried into effect where the evil existed. There was no difficulty in legislating so far as respected the direct trade of this country. So far, the revenue laws and armed ships would be effectual in prohibiting it. But the great difficulty arose from the indirect trade through the contiguous territories of adjacent Powers. To these points it became necessary to apply the remedy.

What Charleston then was, it was probable that St. Mary's, the Mobile, and Ponchartrain, would become in relation to the slave trade, unless some strong provisions were devised to operate on the direct trade. If this provision were stricken out, it would be necessary to strike out another similar provision, in the next section, for the forfeiture of any slave found in the United States contrary to law; and where then would be the preventive from introducing them into the United States through the Spanish territories? There would be none. The vessel in which they shall be brought cannot be taken, because she will be bound to a Spanish port, and because she will sail under Spanish or Danish colors. The cargo will be landed in the Spanish territories within stone's throw of our own doors. The captain, the owner, and the vessel, will be safe in the Spanish dominions. Their owners will bring them to your line, and sell them with impunity to your citizens, and they will immediately mix among the slaves previously in the country. They demanded to know how, without a forfeiture of the people, their introduction into the United States was to be prevented.

The penalties of twenty thousand and fifty thousand dollars, on the owner and seller, would be a nullity, as they were out of reach. Who then, in such circumstances, could be operated on, but the purchasers? There was the rub—it was their interest alone which, by being operated on, would produce a check. Snap their purse-strings, break open their strong box, deprive them of their slaves, and by destroying the temptation to buy, you put an end to the trade.

But it might be said, if this business is left to the States, they may operate by their laws on the interest of the purchaser. But was it come to this? That Congress were so anxious to put an end to this nefarious trade, and yet were willing to leave its actual destruction to the several States? Could gentlemen insure the adoption of fit regulations by all the States? Were they prepared to rest the business on every State adopting these regulations, when the forbearance of a single State to pass the necessary laws would effectually prevent the redress of the evil?

Some gentlemen appeared to think this evil would be effectually met by commercial and custom-house regulations. But the fact was, that nothing short of a forfeiture of the slave would afford an effectual remedy, the former would be like weaving a cage of cobwebs for a lion, whom nothing short of a cage of iron would confine.

The Committee now rose, without coming to a decision on the amendment; and, on motion, the House adjourned.

Wednesday, December 24.

Mr. Findley, from the Committee of Elections to whom it was referred to examine the certificates of election, or other credentials, of members returned to serve in this House, made a report, in part, thereon; which was read, and ordered to lie on the table.

Mr. Dawson, from the committee appointed on the eighteenth instant, presented a bill authorizing the proprietors of squares and lots in the City of Washington, to have the same subdivided and admitted to record; which was read twice, and committed to a Committee of the Whole on Monday next.

On motion of Mr. Claiborne, the petition of Amy Dardin, presented to this House on the 27th of December, 1804, was referred to the committee appointed, on the eleventh instant, "to inquire whether any, and, if any, what, description of claims against the United States are barred by the statutes of limitation, which, in reason and justice, ought to be provided for by law."

NATIONAL DEFENCE.

Mr. Early called for the order of the day, on the bill prohibiting the importation of slaves.

Mr. Fisk hoped the consideration of this bill would be postponed, that the report of the committee on measures for the defence of the frontier might be taken up. He considered it high time to proceed to the consideration of this subject. The chairman of the select committee, (Mr. Randolph,) had been attending for two days, and was now absent, he presumed, in consequence of the feeble state of his health.

Mr. Early said he had no disposition to press his motion, in case other more important business required attention. On this point the House would decide for themselves.

Having disagreed to the motion of Mr. Early—ayes 20—the House agreed to consider the report of the select committee, called for by Mr. Fisk, and went into Committee of the Whole on the report of the committee to whom was referred, on the third instant, so much of the Message of the President of the United States as relates "to the invasion of our territories by the troops of Spain, and the adoption of measures for the protection thereof."

The first resolution having been read, as follows:

1. *Resolved,* That provision ought to be made by law to fortify and defend such position on the Mississippi, below the city of New Orleans, as the President of the United States shall designate for the protection of that city; and that further provision ought to be made by law for guarding the approaches to the same from the east;

Mr. Fisk observed, that the city of New Orleans was in such a situation as to require some additional fortifications. Those at present erected on the Mississippi were not in the most eligible position to guard the place; and it was also considered necessary that some measures should be taken to guard it against any hostile approaches from the east. Perhaps a small vessel and some gunboats might be requisite, as well as some batteries, the expense of which would not be great.

Mr. G. W. CAMPBELL observed, that very little need be said on this resolution. He would barely remark, in addition to what had been said by the gentleman from Vermont, that this subject had been considered as having been recommended by the President as proper to be taken up immediately. There was at present no defence of the mouth of the Mississippi below New Orleans. That place was therefore greatly exposed from that quarter, and measures consequently became necessary to guard it against the invasion of a foreign enemy, and from attacks that might be made from our own country, if there existed any persons that had harbored such a design. He understood that some distance above the mouth of the river was contemplated as an eligible situation for fortification, at a point where there had been a fort, but which had gone much to decay. It would either be necessary to repair this fort, or to erect another. He had also been informed that it was practicable for vessels of some burden to make an attack on New Orleans from the lakes, and thence the necessity of guarding the place against any attack from the east.

The question was then put, and the resolution agreed to, without a division.

The second resolution was then read as follows:

2. *Resolved*, That the President of the United States be authorized to accept of any company or companies, of volunteers, either artillery, cavalry, or infantry, who may associate and offer themselves for the service, (not exceeding —— thousand men,) who shall be clothed and furnished with horses at their own expense, and armed, and otherwise equipped at the expense of the United States, except such of them as may choose to furnish their own arms, and whose commissioned officers shall be appointed by the respective State and Territorial authorities; who shall be liable to be called upon to do military duty at any time the President shall judge proper, within —— years after he shall accept the same; and when called into actual service, and whilst remaining in the same, shall be under the same rules and regulations, and be entitled to the same pay, rations, forage, and allowance for clothing, with the regular troops of the United States.

Mr. G. W. CAMPBELL said this resolution had been introduced for the purpose of putting into the hands of the Executive a disposable force, which might be called out at a moment's notice, whenever the exigency of affairs might require it. By an act of the last session, the President had been authorized to call on the Executives of the several States for a detachment of the militia, and he was authorized to accept of volunteers as a part of the detachment. But that act did not authorize the President to accept the volunteers until such detachment should be called forth. This restriction had produced considerable inconvenience. It had left the Government without any organized force, until the detachment was called out. By the present resolution the President was authorized to receive the offers of the volunteer companies, that they might be organized, and be ready to enter into actual service at any moment. There was good reason to believe, that there was a number of citizens of the United States willing to offer their services, sufficient to prevent any attack on the frontier, or any other attempt that might be made to disturb the peace of the nation. Offers, to a considerable extent, had been already made. There could be no objection to vesting the President with authority to accept these offers, as it was not intended to incur any expense until the volunteers were called into actual service.

Mr. C. added that the services of these volunteers might be fully depended on, to defend the country, in case any hostile attempt should be made. Those who offered their services voluntarily, it would be admitted, were as worthy of reliance as men compelled to serve, or those who served entirely from pecuniary considerations. For these reasons he believed that no measures could be adopted, better calculated to repel invasion, or suppress any attempt that might be made against the peace of the nation.

Mr. DANA said, he observed that the chairman of the select committee had addressed a letter to the Secretary of War, requesting information with regard to the number of troops in the Army of the United States; to which an answer had been given by the Secretary, stating their amount, and the different stations at which they were posted.

Mr. D. said, he wished to know whether there was any necessity for any additional force, and to decide this point, he called for the reading of the law fixing the Military Establishment.

This law having been read, Mr. D. remarked, that the law was silent as to the amount of the Marine corps. He would wish some gentleman, acquainted with the subject, to give him this information.

Mr. G. W. CAMPBELL said he would barely observe that the Message of the President, who must be considered as best acquainted with the situation of our troops, and such measures as are necessary to secure the frontiers, had stated the necessity of adopting measures to organize the militia that might be called out, or of obtaining volunteers. [Mr. C. here quoted from the President Message.] It would seem, upon this, that he meant to intimate the necessity of adopting such a measure, as was contemplated by the resolution. As to the information received from the Secretary of War, Mr. C. presumed every gentleman could estimate the number on the frontiers as well as the Secretary, as he advised us where the others were stationed, as well as that all the corps were nearly full.

Mr. DANA said he would freely acknowledge that one of the objects, which induced him to rise, was to obtain information as to the state of affairs, and the means we possessed of securing the country. He did suppose the House entitled to this information. He did suppose it proper for the Secretary of War to say what troops were in actual service. It required but superficial knowledge to know that the number of troops on paper were very different from the number of active troops. The last was what he wanted. Gentlemen had referred to the statement of the Secretary, and had said it supplied the means of making this estimate. But did they not know that the number which composed a company of artillery was not the same with that which composed a company of infantry? The Secretary did not in his letter discriminate between them. Mr. D. said he was willing to vote for whatever measures were necessary for the defence of the country; but he did believe that the representatives of the people, before they voted for such measures, had a right to more satisfactory information.

Mr. **Chandler** observed that he believed the Secretary of War had given information from which every member could adduce the information that the gentleman from Connecticut professed to desire. He tells us that the peace establishment is nearly complete; and as to the difference in the number of men that compose a company of infantry and artillery, it was too trifling to make any material difference in the estimate. The Secretary had not confined himself to stating the amount of our forces on paper; but had expressly declared that they are nearly complete. As to the Marine corps, Mr. C. said he did not know whether he was correct, but he had always considered it as more appurtenant to the naval than the military establishment; information relative to which could not therefore be expected from the Secretary of War.

Mr. **Dana** replied that all the information given by the Secretary was, that the companies were nearly complete. Who could say what was meant by nearly complete? It might mean that they were four-fifths full, as it was known that in common cases this was considered as tolerably full. Mr. D. said he wished for more precise information, and for one he entered his protest against so incomplete a statement. He did not think the representatives of the people should acquiesce in such a course. As to calling forth volunteers, he did not know that he had any objection to it; though perhaps a more efficient force might be proper.

Mr. **Bidwell** said that the gentleman from Connecticut had not satisfied him that he was so ignorant as he professed to be. It appeared to him, on the contrary, that he had before him all the means of information that could be thought necessary. It was objected that the Secretary, instead of stating the exact return of each corps, had merely stated that they were nearly complete. It was true the Secretary had not stated the numbers in each company, whether there was two, or three, or half a dozen men wanting in each. This was not, perhaps, practicable; but the information, as their to present state, was given in terms sufficiently definite, when it was said they were nearly complete.

Another point of difficulty is, that the Secretary has not specified whether the eighteen companies posted at the different places named are artillery or infantry. It appears from his letters that eighteen companies are stationed at various places, and that the residue, to the number of twenty two, are with the Army under the command of the brigadier general. If any further information were required, he could not see the object.

Whether the present state of things was such as to authorize the President to accept of volunteers, every gentleman would judge for himself. It had rightly been observed, by a gentleman on the committee, that the volunteers would not be called out, though in a state of readiness, until there was actual occasion for them. An objection raised against a former establishment of this kind would not apply to this; for the officers were, under this resolution, to be appointed by the States, and not by the President of the United States. Mr. B. concluded, by saying, it appeared to him not only safe, but reasonable and necessary, to give the President this authority.

Mr. **Quincy** said he would ask gentlemen what effect the resolution was likely to produce; whether there were any such associations of volunteers on the frontier as were contemplated in the resolution, and whether these associations were in such a situation as to enable them to render efficient services? He wished likewise to know the probable amount of those who were likely to offer their services to the President. An answer to these questions would enable him to decide whether this force, added to that of the regulars, would be competent to defend the country.

Mr. G. W. **Campbell** replied that it would take a considerable time to answer definitely the questions of the gentleman from Massachusetts; but such data as the select committee possessed he would state. It was not contemplated to confine the offer of volunteers to the frontiers or the adjacent territories. On the contrary, it was proposed to authorize the President to accept the services of volunteers from any part of the Union. Nor was it necessary that those who offered their services should have associated as volunteers before this authority is given to the President. Mr. C. said he had understood that several corps of volunteers had already offered their services; that two or three regiments had offered in the Western country; that similar offers had been made in other States; and the papers would show that a like offer had been made in Philadelphia. This afforded sufficient ground for believing that a competent number of volunteers would offer for any exigency.

The question was then taken on the second resolution, which was agreed to without a division—when the Committee rose and reported their agreement to the resolution.

The House having agreed to consider the report of the Committee of the Whole,

Mr. G. W. **Campbell** moved to fill the blank in the first resolution with the word "thirty," which the House agreed to without a division.

Mr. C. then moved to fill the second blank with the word "two."

Mr. **Tallmadge** suggested some difficulty which would probably arise from the ambiguous language of the resolution—to which Mr. C. replied that an attentive reading of the resolution was sufficient to remove it.

The resolution having been read—

Mr. **Varnum** observed, that the difficulty started by the gentleman from Connecticut was not ideal, and that although the volunteers might be accepted for two years, yet they might be scattered in a shorter time. This difficulty did not attend calling out a detachment of the militia, whose numbers would remain, for a long time, pretty nearly the same.

Mr. V. said, he wished to inquire what kind of troops these volunteers were to be denominated? Were they to be considered as belonging to the militia or the army? He knew of no other description of troops. The Constitution had authorized the General Government to provide for the defence of the country by raising armies, whose officers are to be appointed by the President, with the advice and consent of the Senate, or by organizing and disciplining the militia, whose officers were appointed as directed by the State authorities. The contemplated body appeared to him to be of neither of these descriptions. It also appeared to him that a serious difficulty might occur in the appointment of their officers. It might be considered as doubtful whether the Executive department of the Government possessed the right of appointing the officers of any corps, except those in which authority was given by the Constitution, and these were the militia. Mr. V. said, he thought if the resolution directed that the volunteer corps should be commanded by officers of the militia, this difficulty would be removed.

Mr. V. added, that he did not see that the President would be certain of being able to command any particular number of these men, that might be wanted at any time. Suppose any of the State governments should neglect to appoint their officers, there were no means to compel the State authorities to make the appointment? Was it safe to rest the defence of the country on this ground?

Mr. **Fisk** said, that the gentleman last up had two objections to the resolution; the first, that these corps would belong to no regular force; and the second, that there was no power vested in the Executive to commission the officers. The second objection was founded on the first, and, if the first fell to the ground, the last would fall to the ground with it. If it could be shown that these corps would be a part of the militia of the county, all difficulty would be removed. If they examined the Constitution, they would find that Congress had power to organize as well as arm the militia. The gentleman would not contend that Congress was obliged to organize the militia the same way in every State. The present corps were on the same ground with the common militia; they were only subject to be called on at any exigency—so was the existing militia. The advantage, however, of the former over the latter, was, that they would be equipped and prepared for service.

With regard to the difficulty, as to officers, it would occur in every case that had been mentioned. If there should be a detachment of the militia, the detachment would not consist of whole companies, but of parts of companies, who, when called into service, must have the officers attached to the entire companies, or new ones.

Mr. G. W. **Campbell** said, he apprehended that the difficulty suggested by the gentleman from Massachusetts, had arisen, in a great degree, from not understanding the term *State authorities*, in the same way with the Committee. The first difficulty stated by the gentleman, of the possibility of the corps separating, appeared to him very extraordinary. The objection went too far to be a sound one. It went to show that, because they could not have a force which should be always equally strong, they ought, therefore, have none at all. But the gentleman might easily overcome this difficulty by augmenting the number of volunteers to forty thousand instead of thirty thousand.

Another objection offered, Mr. C. said, had been answered by the gentleman on his left, (Mr. **Fisk**.) He would, therefore, only add, that he could not believe that the gentleman had seriously reflected on the subject, when he expressed a doubt whether this force would be of the militia or the regular army. It is expressly stated in the resolution that it shall be composed of such company or companies as may offer their services. Mr. C. said, he did not pretend to be much conversant in military language; but, according to his understanding of the term, a company implied a certain number of men, with officers appointed over them. The resolution went further, and made it necessary that the officers should be appointed by the State authorities—not meaning, as the gentleman seemed to infer, that they should be appointed by the Executive, but in the way prescribed by the respective State laws.

The gentleman had also inquired whether it will be safe to rest the defence of the country on these volunteers. We say that this will be providing a more efficient force than at present exists. As to any other more effective force, the propriety of that may be discussed hereafter. The acceptance of volunteers will not preclude the adoption of other measures, if they shall be deemed necessary.

Mr. C. said, he would have no objection to any amendment, predicated on the principle that the officers should be appointed according to the laws of the several States; but this he considered as matter of detail, which would be better settled when a bill was brought in.

Mr. C. said, it had been suggested by the gentleman that the President might appoint the officers; but, he differed widely from him on this head. He did not conceive they possessed the power to authorize the President to appoint them. There had been once a law to this effect; but it had been very generally reprobated by the republican party, who had considered it unconstitutional. Mr. C. said, in his opinion, it was directly in the teeth of the Constitution.

Mr. **Varnum** said, he did not know but that the ideas of the gentleman were perfectly correct; but if so, none other than whole companies could be accepted. He, however, rather thought his ideas incorrect. The words of the resolution were: [Mr. V. here read the first resolution.] Now, a company, according to the meaning of the word, was a body of men composed of sixty-four privates, who, if they should associate together, although drawn from different companies, the President would have a right to accept; and, if so, the idea of companies who may offer, having officers, was incorrect.

Mr. V. said, he was perfectly willing to adopt measures for the protection of the country: and, if the militia were not properly organized, that they should be organized anew. If, however, they were so organized as to deserve to be trusted, it was improper to introduce a system which virtually declared them unworthy of confidence. The country was, at this time, in rather a peculiar situation. They had heard a great deal about conspiracies, and people were collecting together for certain purposes. He trusted there was no part of the people that would join in any dangerous attempts against the peace of the country; yet, on the principle of the resolution, such men might associate and choose their officers with the view of carrying on the plans they have in contemplation.

Mr. **Bidwell** observed, that the objects his colleague had in view would be attainable in the details of the bill, viz: that the officers should be taken from the existing militia officers of the State where there was no authority in the Executives to appoint them. This was, however, a matter of detail; but, to remove the difficulty of his colleague, he would offer an amendment to the resolution. Mr. B. then moved to strike out "whose commissioned officers shall be appointed by the respective State and Territorial authorities;" and insert "who shall be commanded by such officers of the militia of the States and Territories to which such companies shall respectively belong, as shall be designated by the Executive authority of each State or Territory."

The question was then taken on filling the blank with "two" years, and carried without a division.

Mr. G. W. **Campbell** said, he had before remarked, that this was a point that would be most properly settled in the details of the bill. But, he would observe, that it was not his object to give the appointment of the officers to the Executive, but that they should be appointed by the respective authorities provided in the several States.

Mr. **Bidwell** replied that the operation of the amendment would not be such as the gentleman from Tennessee combatted. It only went to give the Executives of the States a right to designate for the command such of the existing militia officers as they might think proper.

Mr. **Smilie** said, he was against the amendment. In the State he represented, the militia had a right to make choice of all their officers, from a Colonel downward; and he had no doubt of there being many men in the ranks who would make very good officers. As the amendment went to limit the range of choice, he was hostile to it. There were, likewise, other considerations that made him unfriendly to it. Was it not important, when men went out to sacrifice their lives in defence of their country, they should have the choice of their own officers? Would not this strengthen the attachment both of men and officers? Would not pride, too, have its influence on them? And would they not be more ready to support men of their own choice? Was it not to men being advanced, according to their merit, that the French army was indebted for its great ascendency?

Mr. **Alston** said, if they hesitated in the passage of any resolution on this subject, until every gentleman was satisfied as to the mode of officering the militia, there was no period which could be assigned to the protraction, as in every State a different mode prevailed. They could never be able to get along. Could not gentlemen agree to give up, in some degree, their own peculiar ideas, when an object of so much importance was to be effected? He did not care how the object was effected, provided it was constitutionally done.

Mr. **Elmer** said, the amendment went, as far as it had any operation at all, to do away the principle contained in the resolution, which was to authorize the calling out a body of volunteers. If the amendment prevailed, the men would be volunteers, but the officers be draughted. He could not see where the difficulty existed. The resolution authorized the President to call out any company or companies, which must consist of officers as well as privates; the same would be the case in the instance of a larger corps, such as a battalion or a regiment; and the only difficulty which could arise would be with respect to officers of a superior grade. Should there be a difficulty on this head, where one company was taken from one regiment, and one from another, it might be provided for in the details of a bill. For these reasons, he should vote against the amendment.

Mr. **Dana** called for a division of the question; when, on striking out the words moved by Mr. **Bidwell**, only ten members rose, and the motion to insert the other words, fell of course.

Mr. **Masters** thought affairs looked very serious, and he rose to inquire, whether these were all the measures contemplated to be taken? When the invasion of our territory was in question, he thought the most efficient measures ought to be adopted.

Mr. G. W. **Campbell** said he really did not suppose it was for the Committee to tell the House what they ought to do. They had made a report, in part, in which they recommended the adoption of such measures as they considered proper at this time. What might be proper to be done hereafter, he would not pretend to say; but he thought there might be a general concurrence in the measure now proposed, even by those who wished to aid it by stronger measures.

Mr. **Kelly** had no objection to authorizing the acceptance of a volunteer corps; his sole objection was as to the proposed mode. He believed such a measure necessary, but he could not give his consent to the terms of the resolution, or to the manner in which it was proposed to raise this force.

If he understood the report, it went to raise a force, which, according to the first resolution, was considered necessary for the defence of New Orleans. The second resolution provides for the acceptance of volunteers. This force was not subject, after being accepted, to the authority of the United States, till called into actual service. The resolution amounted to this: When the volunteer corps offered their services, in case they were not armed and equipped, they are to be armed and equipped at the expense of the United States, subject to the call of the President of the United States, within two years; but not subject to the rules for the government of the Army until called into actual service. When accepted, they become detached from the rules for the government of the militia of the respective States, without coming under the government of the rules of war, and thus appear to be under no government whatever. Suppose the President should accept of these volunteers immediately, they will not, notwithstanding, until called into actual service, be subject to his control, they will be only subject to such rules as they may choose to prescribe for themselves. Now it may happen that volunteer corps may offer at New Orleans, who, before the cession of that country, belonged to the King of Spain, and who, after they are armed by the United States, may change their sentiments, and choose to go under the Government of their old masters, or establish themselves in entirely detached corps. Under this view of the subject, Mr. K. said, he could not be in favor of the resolution. But if it could be so modelled as to authorize the President to accept volunteer corps which would pass immediately under the Government of the United States, he would agree to it.

Mr. EPPES said, he had hardly supposed there would have been any opposition to this resolution. When they considered the present situation of the United States, and when every man would admit that it was right to resort to preparatory measures of defence of some kind, he would ask gentlemen what course they would wish to pursue? Would they, in the existing posture of affairs, vote for raising an army, when they were not certain that there would be any occasion for it? If not, what expedient was left? Either to call out the militia, or to resort to a system of volunteers. The objection to calling out the militia had been already stated. Situated as they were, in some points not organized, and at a distance from the scene where they would be required to act, the public interest would materially suffer, if we trusted exclusively to them. On the other hand, if volunteers were received, if their patriotism was allowed to rally round the country, there was reason to believe that they would, in every respect, prove sufficient for its defence, without costing the public a dollar until called into actual service. Mr. E. said, he did not know that he should have said a word on this subject, but that the observations of the gentleman from Pennsylvania, (Mr. KELLY,) required some notice. We had recently acquired territory, and men who supported the character of Americans. He trusted they were disposed to treat and cherish them as such, and not to stamp them with the imputation of suspicion. When we have been officially notified, on a recent occasion, by the President of the United States, that they have acted with fidelity toward us, shall it be said that they may hereafter raise their arm in favor of their ancient masters? Mr. E. said, he begged leave to call the attention of the House to that part of the Message which related to this subject:

> "I inform you, with great pleasure, of the promptitude with which the inhabitants of those Territories have tendered their services in defence of their country. It has done honor to themselves, entitled them to the confidence of their fellow-citizens in every part of the Union, and must strengthen the general determination to protect them efficaciously under all circumstances which may occur."

Shall men, thus recently presented to our notice, be now branded as traitors to their country?

Mr. KELLY said he had been certainly misunderstood. He did not mean to say any such thing as had been imputed to him. He had barely said that, if accepted and not called into actual service, some of them might hereafter possibly be disposed in favor of a change of masters. He did not mean to brand the people he had referred to, but merely to provide against what might be deemed a possible case.

Mr. G. W. CAMPBELL said, he did not expect that this subject would have taken up more than a few minutes, and he should not have again troubled the Committee but for the insinuations thrown out by gentlemen.

The gentleman from Massachusetts had insinuated that some of the volunteer corps might prove unfaithful to the United States. Why such an idea had been thrown out, he could not comprehend, even if there was fear of such a result. Nothing was more likely to excite the feelings of persons so disposed, than to know that they were the objects of our suspicion. Are those men, whose services are wanted, to be told that they may turn their arms against their country? Is this the way to command their services or their confidence? Mr. C. regretted this insinuation more than anything he had heard thrown out in that body. Instead of this treatment, we ought to convince them that they possess our confidence, especially as every gentleman knew that the compensation offered would pay scarcely a fourth part of their expenses. There would, therefore, be little inducement for them to turn out, if they knew they would be the objects of suspicion.

As to the people on the frontiers, there was as little ground to suspect the purity of their conduct, as the conduct of persons in the heart of the Atlantic States. If there were conspirators against the peace of the country, you will find the body of them, said Mr. C., composed of men who have hitherto resided in the old parts of the Confederacy. You will find few or none of them on the frontiers; and, so far as I am acquainted with the people of this country, I believe there is no part of them more attached to the Government and the Union than the Americans on the frontier settlements, and I may extend the remark to a large portion of the foreigners.

Mr. Elmer believed that the sentiments of the gentleman from Pennsylvania were such as required notice in the details of the bill, in which it might be necessary to provide for the safe-keeping of the arms confided to the volunteers, as well as to determine by what rules they should be governed until they were actually called into service.

Mr. Dana said, if a bill were before the House, it might be proper to discuss all these details. This, however, was only a resolution fixing the principle. If a bill, it would be totally defective. It contained no provision as to the government of the body, or as to the staff or field officers; but these defects would, doubtless, be provided for in the bill. Since, however, he was up, he would say, he was far from considering the observations of his friend from Pennsylvania, as meriting the animadversions passed upon them. He had merely observed that, among thirty thousand men, there might be some who would be disaffected to the United States. He had fixed no particular imputation on any body of men. If he were wrong in this opinion, he was wrong in believing the President of the United States, who had announced the unpleasant fact, that enterprises had been formed against the possessions of a foreign Power. His friend from Pennsylvania had merely alluded to this idea, without specifying any particular point where such disaffection might arise.

Mr. Clark said it appeared to him that the gentleman from Pennsylvania had not meant any particular allusion to the people of the Orleans Territory, who had been invariably attached to every nation under whose protection they had been placed. He was able to state, from circumstances within his immediate knowledge, that when the forces of the United States were not sufficient for the taking possession of the country, it was owing to the men under his command that the United States obtained peaceable possession. The people of the Territory had offered their services to the United States, and had been disregarded by the man put over them, and a preference given to another corps. The militia were in an unorganized state—there were, indeed, no militia in the Territory. But, he would venture to say that, whenever their services were required, they would come forward immediately, and would form a band for the defence of the country; and that if there should be a conspiracy against the United States, there would be no Louisianan concerned in it.

Mr. Eppes rose merely to put the gentleman from Connecticut right. The gentleman from Pennsylvania had specially alluded to the militia of Orleans, and had spoken of their ancient masters.

The question was then put on the resolution, which was agreed to without a division; when the two resolutions were referred to a select committee, to bring in a bill.

And then the House adjourned until Friday.

Friday, December 26.

Another member, to wit: Matthew Clay, from Virginia, appeared, and took his seat in the House; and another new member, to wit: Dennis Smelt, from Georgia, returned to serve in this House, as a member for the said State, in the room of Joseph Bryan, who has resigned his seat, appeared, produced his credentials, was qualified, and took his seat in the House.

Mr. Elliot, one of the members from the State of Vermont, presented to the House certain proceedings, and a resolution of the Legislature of the said State, concurring with the resolutions of the State of Kentucky, proposing an amendment to the Constitution of the United States, "for confining the judiciary power of the Courts of the United States to cases in law and equity, arising under the Constitution and laws of the United States, and treaties made, or which shall be made under their authority; cases affecting Ambassadors, other public Ministers, and Consuls; cases of admiralty and maritime jurisdiction; controversies to which the United States shall be a party; and to controversies between two or more States;" which were read, and ordered to lie on the table.

Mr. Marion presented to the House a petition of sundry merchants of Charleston, in the State of South Carolina, which was received and read, praying relief for depredations committed on the ships and other vessels, with their cargoes, being the property of the petitioners, while in the pursuit of their lawful commerce, by the privateers and vessels of war of the French Republic.—Referred to Mr. Marion, Mr. Eppes, Mr. Clinton, Mr. Tallmadge, Mr. Cutts, Mr. Dickson, Mr. Blount, Mr. Findley, and Mr. Tenney; to examine and report their opinion thereupon to the House.

On motion of Mr. Newton,

Resolved, That the President of the United States be requested to cause to be laid before this House the number and state of the frigates, and such other information, touching this subject, as may be in his possession.

Ordered, That Mr. Newton and Mr. Smilie be appointed a committee to present to the President of the United States the foregoing resolution.

The House resolved itself into a Committee of the Whole on the bill making appropriations for the support of the Navy of the United States, during the year one thousand eight hundred and seven. The bill was reported with several amendments thereto; which were severally twice read, and agreed to by the House.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time on Monday next.

Mr. Findley presented to the House a petition of Montgomery Montour, a chief of the Delaware tribe of Indians, in behalf of himself and other chiefs of the said tribe, which was received and read, stating that at a treaty held by the Commissioners of the United States, and the Delawares, Pottawatimies, Miamies, &c.. and approved of by the President of the United States, on the twenty-fourth of April, one thousand eight hundred and six, an imposition was practised upon the said Commissioners in signing the names of the chiefs of his nation, who were not present at the said treaty, whereby the Delaware tribe have been unjustly deprived of their lands, and the improvements thereon; and praying that Congress will direct a survey of land to be made, including the lower town of the said tribe, on the Sandusky, with all their improvements, to be secured to the present inhabitants of their two towns, and their heirs, forever.—Referred to the Committee on Public Lands.

PUNISHMENT OF CERTAIN CRIMES.

On motion of Mr. DAWSON, the House resolved itself into a Committee of the Whole, on the bill providing for the punishment of certain crimes against the United States, which was read by the Chairman, as follows:

A Bill providing for the punishment of certain crimes against the United States.

Be it enacted, by the Senate and House of Representatives of the United States of America in Congress assembled, That if any person or persons shall, within the territory or jurisdiction of the United States, begin, or set on foot, or provide or prepare the means for any military expedition or enterprise, with intent of taking possession of any fort, arsenal, magazine, dock, navy yard, or any public vessel of the United States, or of invading, or occupying with an armed force, any part of the United States, or the territories thereof, or with intent, in any other manner, of levying war against the United States, or of adhering to the enemies of the said States; or who, with intent, as aforesaid, shall combine or conspire together, or shall counsel, advise, or attempt to set on foot, provide, or prepare the means for any such military expedition or enterprise, or to procure any insurrection, unlawful assembly, or combination, for such purpose, although such expedition or enterprise shall not be carried into effect, and whether such conspiracy, counsel, advice, or attempt, shall have the proposed effect or not; every such person or persons so offending, shall, upon conviction, be adjudged guilty of a high misdemeanor, and shall suffer fine and imprisonment, at the discretion of the court in which the conviction shall be had, so as that such fine shall not exceed —— thousand dollars, or be less than —— dollars, nor the term of imprisonment be more than —— years, or less than —— years; and further, at the discretion of the court, be holden to find sureties for his, or their good behaviour, in such sum, and for such term, as the said court may direct: *Provided always,* That nothing herein contained shall be construed so as to prevent the trial and punishment of any person or persons guilty of treason, murder, or any other offence punishable by any law or laws of the United States.

SEC. 2. *And be it further enacted,* That the trial of the abovementioned offences may be had in any of the districts or territories where any of the acts constituting the offence shall have been committed, and all the acts constituting the offence may be brought in evidence on such trial, in whatever part of the United States, or the territories thereof, they may have been committed.

SEC. 3. *And be it further enacted,* That whenever it shall appear to the satisfaction of any judge or justice of the United States, or of any State or Territory possessing authority to bind to the peace and good behavior, that any person intends to commit any misdemeanor provided against by this act, it shall be lawful for such judge, or justice, to cause such person to be brought before him, and to require from such person good and sufficient sureties, in such sum as shall be deemed reasonable, that he shall not, by any act to be done within the United States, or the territories thereof, commit any offence against this act, within the term of one year, or such longer term as the case may reasonably require, and, in default thereof, may commit such person during such term.

SEC. 4. *And be it further enacted,* That, in every case in which any military expedition or enterprise shall be begun or set on foot contrary to the prohibitions and provisions of this act, it shall be lawful for the President of the United States, or such other officer as he shall have empowered for that purpose, to employ such part of the land or naval force of the United States, or of the militia therof, as shall be judged necessary for the purpose of preventing the carrying on of such expedition or enterprise.

SEC. 5. *And be it further enacted,* That in all cases of insurrection or obstruction to the laws, either of the United States, or of any individual State or Territory, where it is lawful for the President of the United States to call forth militia for the purpose of suppressing such insurrection, or of causing the laws to be duly executed, it shall be lawful for him to employ, for the same purposes, such part of the land or naval force of the United States, as shall be judged necessary, under the same restrictions and conditions as are by law provided and required on the employment of militia in the same case.

The first blank in the first section was filled with "ten;" the second with "five hundred;" the third with "ten;" and the fourth with "one."

The third section having been read,

Mr. J. CLAY said, it appeared to him that this section gave most extraordinary powers to the justices of the peace. In the State which he repsented, a justice of the peace was authorized to bind over an individual until a superior judge or court should have an opportunity of investigating the case. But, according to the provisions of this section, an ignorant justice of the peace might bind over an individual, or imprison him for a year, or longer, if he could not find sureties for his good behaviour. He would also inquire what evidence was required of the intention of the accused to commit the acts recited in the bill? The expression was, "whenever it shall appear to the satisfaction" of any judge or justice of the peace. No evidence was required of an overt act. It appeared to him that this provision was extremely dangerous. He, therefore, moved to strike out the section.

In reply, it was said by Messrs. R. NELSON and DAWSON, that the object of this section was to give to justices of the peace, with regard to the acts against the peace of the United States made punishable by the bill, the same authority they possessed in the case of crimes committed against a foreign Power.

In the progress of the discussion, it was further remarked by Mr. J. CLAY, that this section went to punish persons on mere suspicion. This appeared from comparing the provisions of the first section with those of this section. The former provided for the punishment of persons who should, within "the territory or jurisdiction of the United States, begin, or set on foot, or provide or prepare the means for any military expedition or enterprise, with intent of taking possession of any fort, arsenal, magazine, dock, navy yard, or any public vessel of the United States; or of invading or occupying, with an armed force, any part of the United States, or the territories thereof, or with intent, in any other manner, of levying war against the United States, or of adhering to the enemies of the said States; or who, with intent as aforesaid, shall combine or conspire together, or shall counsel, advise, or attempt to set on foot, provide or prepare the means for any such military expedition, or enterprise, or to procure any insurrection, unlawful assembly, or combination for such purpose, although such expedition or enterprise shall not be carried into effect, and whether such conspiracy, counsel, advice, or attempt, shall have the proposed effect or not." On examining the third section, it would be seen that this extraordinary power was given to any justice of the peace to whose satisfaction it shall appear that any person intends to commit any such misdemeanor. Mr. C. said he wished to know how it was to be ascertained when a person meant to intend to advise the setting on foot a military expedition, or what degree of criminalty would attach to a person intending to advise the making of such preparations. He trusted the section would be stricken out, and that the Committee would rise, in which case he would then move to recommit the bill.

Mr. R. Nelson acknowledged the section to be susceptible of the meaning given it by the gentleman from Pennsylvania, which, however, he said had not been intended by the select committee who reported the bill. But he hoped that the section, instead of being stricken out, would be amended. It appeared to him that it might be so amended as to remove every objection that had been urged to it. By requiring evidence to be given on oath before the judge or justice, they were empowered either to recognise or commit the accused; and by limiting the recognisance or confinement until the next term of the court, and by striking out the words "intends to commit," he thought the section would be rendered unexceptionable. If the motion to strike out should be rejected, Mr. N. said he would offer an amendment to this effect, to strike out the exceptionable part of the section, and provide that any person who shall commit a misdemeanor against the act may be bound over by a justice or judge, to his good behaviour, to the next term, or be committed in case he fails to find sureties.

A debate of considerable length ensued on Mr. J. Clay's motion to strike out the section, in which Messrs. J. Clay, Ely, Dana, Holland, Fisk, Quincy, Kelly, Dwight, and Hastings, supported, and Messrs. R. Nelson, Southard, Sloan, Cook, and Alston, opposed it.

By the former gentlemen the principle embraced by the section was pronounced unconstitutional, unpreeedented, and dangerously invasive of the most sacred rights of the citizen.

By the latter, the necessity of a modification conformable to that suggested by Mr. Nelson, was admitted.

As there was no substantial difference of opinion avowed, it is deemed altogether superfluous to enter into a wider detail of the arguments adduced.

The motion to strike out the section was carried by a large majority, eighty members rising in the affirmative.

The Committee then rose, and asked leave to sit again, which was refused by the House; when, on motion of Mr. J. Clay, the bill was recommitted to Messrs. Dawson, Smilie, Ely, Sloan, T. W. Thompson, Nelson, and Dana.

Monday, December 29.

Several other members, to wit: from Massachusetts, Phanuel Bishop; from New York, Gurdon S. Mumford and Nathan Williams; from New Jersey, William Helms; from Kentucky, John Fowler; and the Delegate from the Indiana Territory, Benjamin Parke; appeared, and took their seats in the House.

An engrossed bill making appropriations for the support of the Navy of the United States, during the year one thousand eight hundred and seven, was read the third time, and passed.

Mr. J. Randolph, from the Committee of Ways and Means, presented a bill supplementary to the act, entitled "An act making provision for the redemption of the whole of the public debt of the United States;" which was read twice, and committed to a Committee of the Whole on Friday next.

IMPORTATION OF SLAVES.

On motion of Mr. Early, the House resolved itself into a Committee of the Whole on the bill for the prohibition of the slave trade.

The discussion of the amendment, which was offered on a former day by Mr. Bidwell, to strike out of the third section so much as declares a forfeiture of the slaves, was resumed by the Committee.

Mr. Findley was in favor of the amendment. He hoped that the slaves would not be forfeited, but bound out for a limited period as apprentices.

Mr. Bidwell.—It appears to me that all the objections, which have been urged against the amendment under consideration, may be reduced to two. 1. That a forfeiture is necessary to deprive the importers of every motive to introduce any slaves into the country, and thus render the prohibition completely effectual. 2. That if the slaves are emancipated and turned loose in the Southern States, they will be a destructive nuisance to the people of those States. Neither of these objections is, in my apprehension, well founded. If the motion to strike out prevails, another amendment may be made, declaring that the importer has no right to the slaves, which he introduces. This will be a declaration conformable to the state of things and in exact accordance with the laws of nature and of nations. It is not in order to offer an amendment now, but if the present motion prevails, I design to propose an amendment to this effect. This will answer the purpose completely, and remove from the importer every temptation to engage in this traffic. The idea of forfeiture proceeds wholly on a false principle. It implies that the importer has a right to the slaves. But an amendment like that which I have suggested will declare the fact as is it; it will be conformable to truth. But if the section passes as it now is, with the clause of forfeiture retained, we recognise in our statute book a false principle, which neither the Constitution, nor the laws of the United States, have ever authorized, to wit: that a property may be had in human beings. The Constitution and laws have always left the disposition of slaves to the States, and hitherto have never recognised the principle of slavery.

But if we do not forfeit the negroes, the question is asked again and again, with an air of triumph, what is to be done with them? For my part I had rather strike out the section, and do nothing at all than retain the forfeiture. If we do nothing we shall not increase the evil. They will then be left to the States to dispose of, according to the State laws. This will not increase the evil. I am, however, willing to agree to any practicable mode of disposing of them. But at any rate, I am for striking out the forfeiture, and opposed to disgracing our statute book with a recognition of the principle of slavery.

Mr. Quincy.—Since there is so general an agreement as to the end, I wish it were possible we could unite more perfectly as to the means. Those in favor of forfeiture are anxious for nothing so much as to prohibit totally the importation of slaves. Indeed, it is for this very reason they are in favor of it, because they assert, and to my mind on unquestionable ground, that this is your only effectual means of prohibition. They are also anxious that if they are brought they should not be made slaves in their part of the country. As to their being made free in the Southern States, that is out of the question. The policy of those States, the first duty of self-preservation, forbid it. On the other hand, those against forfeiture not only wish to prohibit their importation, but, if imported, they declare they do not desire they should be made slaves, or even set free, within those States where this class of persons in such great numbers exist. Now is it not possible for us, who agree in so many particulars, to approach unanimity, at least on this point? This, it seems to me, would be effected, if the honorable mover, (Mr. Bidwell,) and the gentleman from Vermont, (Mr. Fisk,) would descend from their high abstract ground to the level of things in their actual state—such as have, do, and will exist, after your laws, and in spite of them.

The argument of my colleague is, "forfeiture 'implies a right, vested in importers. Now it is 'disgraceful to the United States to admit such 'an implication. The importer has no right. He 'could acquire none. These persons are free by 'the law of nature—as free as any of us. The 'African Prince who sold them was a usurper. 'The purchasers in Africa were trespassers against 'the law of nature. They cannot acquire any 'right of property in these persons, and it is shameful for the United States, by forfeiture, to admit 'it." Sir, the conclusions of the gentleman are perfectly correct—his principles are solid. No man in this House denies either. Refer this question between the African Prince and his subjects, and between the African and his importer, to five hundred juries in New England, and five hundred times a verdict would coincide with the principles and reasonings of my colleague. But the misfortune is, that, notwithstanding all these true and unquestionable principles, the African Prince, at this day, does, and, after our law passes, will sell his subjects. To all practical purposes, a title is acquired in them, and they are passed, like other property, from one to another, in their native country. But this is not the worst. A title in this description of persons is not only allowed in Africa, but is, and must be, after your law passes, in a large section of your own country. The gentlemen from that part of the United States tell you that they cannot be allowed to be free among them. The first law, self-preservation, forbids it.

Now this is that real, practical state of things to which I invite gentlemen to look, and on which they ought to legislate.

I ask concerning it, how ought we to reason? What is our duty?

First. Do all you can to prohibit. Next, if you fail in this—if, in spite of your laws and their penalties, this description of persons be brought into the United States, then place yourselves in such a situation as may enable you best to meliorate the condition of this unhappy class of men, consistent with self-preservation, and with the deep stake which an important section of the country has in the policy which you adopt.

On both accounts forfeit. First, because it is the best means of prohibition. The gentleman from Georgia, (Mr. Early,) declares it is the only means by which you can do it effectually. The argument he used on this point, on a former day, is to my mind conclusive. From the situation of the Southern States, particularly Georgia, you can only prevent the traffic by taking away the inducement to purchase. And this can only be done by making the right of every purchaser be forfeited as a penalty. Next, if contrary to your laws they be imported, they are thrown on the humanity of the United States. They are brought here by our citizens, and it is the duty of the National Government to reserve the control of them, so as to be certain that the best is done for the amelioration of their condition that our own safety permits. On this account, forfeit. It is only as a commercial regulation that the National Government can get this control. If we do not take that title in these persons into the United States, which the laws of some States recognise, in those States they are slaves—they must be slaves. Those States can never permit them to be anything else. This can only be done by forfeiture. The character of your policy will depend upon what you do with them after the forfeiture. Gentlemen reason as if those persons were inevitably to be sold under the hammer. Certainly this is not the necessary consequence. Are they not after forfeiture at your control? May you not do with them what is best for human beings in that condition in which these miserable creatures are, when they first arrive in this country, naked, helpless, ignorant of our language, our climate, our laws, our character, and our manners? Are you afraid to trust the National Government, and yet, by refusing to forfeit, will you throw them under the control of the States, all of whom may, and some of them will, and must, make them slaves?

But the great objection to forfeiture is, "it admits a title." I answer, first, this does not necessarily follow. All the effect of forfeiture is, that whatever title can be acquired in the cargo shall be vested in the United States. If the argument of the gentleman be correct, and the species of cargo be such as that, from the nature of the thing, no title can be acquired in it, then nothing can vest in the United States; and the only operation of forfeiture is to divest the importer's color of title by the appropriate commercial term—perhaps the only term we can use effectual to this purpose, and which does not interfere with the rights of the States. Grant that these persons have all the rights of man; will not these rights be as valid against the United States as against the importer; and by taking all color of title out of the importer, do we not place the United States in the best possible situation to give efficiency to the rights of man, in respect to the persons so imported? But, next, let us agree that forfeiture does admit a species of title, lost on one side and acquired on the other; such as we cannot prevent being recognised in those States where these importations will most frequently take place: I ask, which is best, and which most humane? Admit a title, gain it for the United States, and then make these miserable creatures free, under such circumstances, and in such time, as their condition into which they are forced permits, or deny the possibility of acquiring a title, and leave them to be slaves? But my colleague (Mr. Bidwell) has a sovereign specific for this. He says, "we do not make them slaves, we only leave them to the laws of the respective States." But I ask, if the laws of all the States may, and those of some of the States do, and necessarily will make them slaves, "by leaving them to the operation of the laws of these States," do we not as absolutely make them slaves as though we voted them to be such in this House? To my mind, when we have the power, if we fail to secure to ourselves the means of giving them their freedom, under proper modifications, we have an agency in making them slaves. To me it seems that the amendment proposed, striking out the forfeiture, will defeat the very end its advocates have in view. Really, sir, I fear it will happen to the honorable mover of the amendment (Mr. Bidwell) as it happened to another celebrated asserter of African rights—I mean the renowned Knight of La Mancha. We all recollect that while that worthy Knight was, with all the real honesty in the world, descanting on the moral fitness of things on the eternal, unalienable, imprescriptible rights of man!—that during all that time he was exercising himself and instructing others on these themes—the very persons he had undertaken to deliver—the great African Princess Micomicona, Queen of the great African Kingdom Micomicon, with her father, her mother, her brothers, her sisters, in short her whole family, were left in absolute and irretrievable slavery; their fetters not knocked off, nor their shackles lightened, nor one ray of light thrown in upon their prison. And yet the good Knight, with all possible self-complacency, astride of his theories, was couching his lance, scouring the plain, the mirror of philanthropic chivalry, the very cream of the milk of human kindness!

Now, I say, sir, a little more practicable good, and a little less theoretic impulse. Reason and legislate according to the actual state of this description of persons. Place yourselves so as to do the best possible for their good. They are thrown on your mercy. Do not trust to others. You can be most certain this power will not be abused in your own hands. Forfeit—because this is the technical word for getting the control of them, and the only certain way of making them secure of your humanity. But what shall be done with them? That is a subsequent consideration. It is enough for me to know that this House can never do anything with them which humanity and self-preservation do not dictate. Gentlemen will not pretend that these Africans have more rights by nature than our children. And yet, in every parish, poor children are bound out, without their consent, until they are of age, and of capacity to take care of themselves. These Africans are as helpless, ignorant, and incompetent as such children, and the wisdom of the National Legislature certainly can, and I have no doubt will, devise means to make them useful members of society, without any infringement of the rights of man.

Mr. Barker deemed the forfeiture necessary to render the prohibition effectual; otherwise the negroes would be landed on the shore, and, the vessels and captains who brought them escaping, they would be taken up and made slaves. Mr. B. was, however, unwilling to recognise the principle, that a right of property could be had in slaves. He wished that they might be taken care of by the Government, and comfortably provided for. He was against turning them loose on the people of the Southern States. Humanity, which should be extended to the whites as well as to the blacks, forbids it.

Mr. Fisk was for striking out. He thought the term forfeiture implied that the importer had a right till divested by statute. If the gentlemen against the amendment are sincere in their endeavors to prohibit the trade, they will vote for striking out the forfeiture. There is no need of such a provision. It was never thought that people or property shipwrecked belonged to the finder. Just so with slaves when brought here. They cannot be said in truth to belong to any one. It is our duty to take them and provide for them, if they need any assistance. Mr. F. declared his concurrence in the plan suggested by the gentleman from Pennsylvania, (Mr. Findley,) to bind them out as apprentices.

Mr. Macon, (the Speaker.)—The gentleman from Vermont, who has just sat down, says, if we are sincere in our endeavors to prohibit the slave trade, we shall agree to the amendment. In answer to this, I shall only observe that our sincerity must be tested by our actions, not by our words.

I still consider this a commercial question. The laws of nations have nothing more to do with it than the laws of the Turks or the Hindoos. We derive our powers of legislation not from the laws of nations, but from the Constitution. If this is not a commercial question, I would thank the gentleman to show what part of the Constitution gives us any right to legislate on this subject. It is in vain to talk of turning these creatures loose to cut our throats.

The gentleman from Massachusetts (Mr. Bidwell) says that no right to the slaves vests in the importer. If this is so, why in the name of God are you legislating on the subject? Why do you not leave them to themselves, like the Irish, Germans, and other Europeans, who flock to our shores? But if the importer has no right, whence do you obtain the right to bind them out as apprentices?

Suppose we leave them as the gentleman from Massachusetts (Mr. Bidwell) has suggested, what will become of them? They will be smuggled in and made slaves. All the arguments which I have yet heard have served to confirm the opinion that a forfeiture is the only effectual mode of prohibition; and though our sincerity has been doubted with an *if*, yet I believe every member in this House is solicitous to put a complete stop to this nefarious traffic.

Mr. Smilie.—I confess I still hold the same opinion on this subject as before. We cannot pass this bill, so long as this forfeiture is in it, and support a fair national character.

The honorable Speaker has stated one idea, and that boldly, too, which I confess is to my mind very novel—that we cannot take up this subject except on commercial principles. I shall make an observation or two, since we are challenged on the subject, to see if the doctrine is correct.

We cannot hinder this trade till 1808, but then our power will be unlimited. Suppose an American should go to Turkey, or any other part of Europe, and kidnap the unoffending inhabitants there, will the honorable Speaker say we cannot punish him except on commercial principles?

But this question is connected with principles of a higher order than those merely commercial. I beg leave on this occasion to refer to the principles of 1776, which have indeed been since laughed at, but which are now beginning, I hope, to be held in universal estimation. The Declaration of Independence contains this sentence: "We hold 'these principles to be self-evident, that all men 'are created equal; that they are endowed, by 'their Creator, with certain inalienable rights; 'that among these are life, liberty, and the pursuit 'of happiness." Will the honorable Speaker tell us how these rights are connected with commercial principles?

The gentlemen from the South say, if we turn loose these Africans, they will be a terrible nuisance, and the whole inhabitants will be compelled, in self-defence, either to enslave or destroy them. I confess I cannot see the force of this argument. If this is a fair and honest account, every man in the Southern States will lend a hand to execute the law, and prevent the introduction of so dreadful a calamity. But if the forfeiture is retained, and the Southern people want slaves, the only difference under the law will be, that the United States will supply them by furnishing those forfeited negroes.

Mr. Sloan said he would not detain the Committee long. He had hastily drawn up an amendment, which he thought would meet the mind of every gentleman. He was sensible of its imperfection, and that it would want altering in the wording to make it correct. He would, however, beg leave to read it. The amendment was to the following effect:

Be it enacted, &c., That whenever any slaves shall be imported into this country after the 1st of January, 1808, if brought into a State whose laws do not permit slavery, they shall be free; if brought into a State whose laws do authorize slavery, such slaves shall be transported back to Africa, and if that is not practicable, they shall be bound out as apprentices.

Mr. Cook was in favor of the motion. Unless the slaves are forfeited, we can have no jurisdiction over them. It would be a new mode of legislation, and most singular law, to bind them out without their consent. Mr. C. could see no objection to the term forfeiture.

Mr. Findley, in answer to the Speaker, inquired if the rights appertaining to the United States, by the laws of nations, were not vested in Congress, who would exercise them? Clearly they were not vested in the State governments; of course they were vested in the National Legislature. Congress has manifestly a right by the laws of nations to expel aliens. The section in the Constitution which forbids us to prohibit the importation of slaves till 1808, clearly implies, that were it not for the restraining clause, we should now have the right of preventing any aliens coming to this country. Otherwise, why this restraint inserted in the Constitution?

It has been said that we cannot bind them out against their own consent. True, but if they are unwilling to be bound out for their own advantage, we shall be compelled to do it, or make slaves of them on principles of self-defence.

Mr. Southard observed, that the subject seemed really to be exhausted, but he would assign one reason for his vote. He was opposed to striking out the forfeiture, till he had seen some other plan devised. He had another objection to the amendment. It would leave the slaves in a worse condition than the forfeiture. Besides, Mr. S. thought the forfeiture the effectual way of stopping the trade.

Mr. J. Clay was against the amendment. He thought it must appear to every man of common sense, that the question could be considered in a commercial point of view only; why is the restraint in the Constitution coupled with the liberty of imposing a tax?

The gentleman from Massachusetts (Mr. Bidwell) has stated a great deal about the laws of nations, and my colleague (Mr. Smilie) has quoted the Declaration of Independence. But neither of them has anything to do with the question. The Declaration of Independence is to be taken with a great qualification. It declares these men have an inalienable right to life; yet we hang criminals—to liberty, yet we imprison—to the pursuit of happiness, yet he must not infringe on the rights of others. If the Declaration of Independence is taken in its fullest extent, it will warrant robbery and murder, for some may think even those crimes necessary to their happiness.

The gentleman from Massachusetts (Mr. Bidwell) has virtually acknowledged that, by the laws of nations, we have no right to meddle with the negroes in opposition to the importers; else, why is the amendment which he has suggested necessary to make them free? On his principles they would be so without this declaration. Congress has no right to bind them out, or to say, that a person who is by a State law a slave, shall be free.

Mr. Chandler thought the present amendment, coupled with the one which his colleague (Mr. Bidwell) designed to propose, if the present motion obtained, would prove as effectual as a forfeiture. Then the States may dispose of the negroes imported as they please. In Massachusetts they would probably be made free, and in the Southern States sold as slaves. Mr. C. was in favor of the motion.

Mr. Hastings.—In 1800 a law was passed to prohibit the carrying on the slave trade from the United States to any foreign place or country. This law declares that the vessel employed in such trade, together with her tackle, apparel, or guns, and the goods or effects, other than slaves, which shall be found on board, shall be forfeited. It also declares, that all persons interested in such vessel, shall be precluded from all right or claim to the slaves found on board such vessel, and from all damages or retribution on account thereof. This law has been in operation more than six years, and no evils have resulted from it. I cannot anticipate the evils which some gentlemen apprehend from striking out this clause in regard to forfeiture. Let the States take care to provide against any evils from this source. We shall do this at the Eastward. If the Southern people are alarmed at the apprehension of making these slaves free, let them prevent it by a municipal regulation. But I hope the General Government will never be disgraced by undertaking to sell human beings like goods, wares, or merchandise. I was in favor of the bill, as it was reported, with a clause punishing the importation of slaves with death. It is certainly a crime of the highest order. Piracy, forgery, and sinking vessels, with intent to defraud underwriters, are all punished with death. Yet these are crimes only against property; whereas the importation of slaves, a crime committed against the liberty of man, and inferior only to murder or treason, is accounted nothing but a misdemeanor.

The question being taken on the motion, to wit: to strike out of the third section so much as declared a forfeiture of the slaves, it was lost—yeas 36, nays 63.

Mr. Early observed that several additional amendments were necessary. By the third section, a ship once engaged in the slave trade is liable to be seized and forfeited at any future period. On motion of Mr. E. this clause was struck out—yeas 44, nays 35.

Mr. E. offered an amendment to prevent one judgment under this bill being a bar to another, on the ground that a friend might be employed to prosecute a collusive judgment obtained, and the statute thus evaded. This motion was supported by Mr. Early and Mr. Williams; and opposed by Messrs. Bidwell, Ely, and J. Randolph. On dividing the House, two members only rose in the affirmative.

Mr. M. Williams offered an amendment providing that foreigners who may violate the act should suffer the same penalties as our own citizens.

Mr. Early thought the gentleman could not have minutely considered the provisions of the bill, or he would have perceived that the motion was improper, as the case was sufficiently provided for.

Mr. M. Williams thought this and some other amendments necessary, but as the gentleman from Georgia (Mr. Early) had been so long employed in manufacturing the bill, he would withdraw his motion.

On motion of Mr. Early, an additional clause was annexed to the first section, providing that the owners and masters of vessels employed in the slave trade should be imprisoned not exceeding ten years, nor less than five years.

Mr. Chandler moved that the blank should be filled with forty instead of ten—yeas 3.

Several other amendments affecting the details of the bill were, on motion of Mr. Early, adopted.

After two several times, on putting the question on the amendments, it appeared that there was not a quorum in the House.

The Committee rose and reported the amendments to the House.

Tuesday, December 30.

Mr. Bidwell, from the committee to whom was recommitted, on the nineteenth instant, the bill to revive and make permanent "An act to prescribe the mode of taking evidence in cases of contested elections for members of the House of Representatives of the United States, and to compel the attendance of witnesses," and, in addition to the same, made a report thereon; which was read, and, together with the bill, committed to a Committee of the Whole House on Thursday next.

Mr. BOYLE, from the Committee on the Public Lands, who were directed by a resolution of the House, of the 18th instant, "to inquire into the expediency of repealing so much of the act of Congress, of the 24th of March, 1804, as limits the time in which locations of Virginia military warrants shall be made," made a report thereon; which was read, and referred to a Committee of the Whole House on Monday next.

On motion of Mr. BASSETT,

Ordered, That the petition of Bushrod Washington and Lawrence Lewis, acting executors of General GEORGE WASHINGTON, presented to this House on the fourteenth of March last, be referred to the Committee on the Public Lands.

The House resolved itself into a Committee of the Whole on the bill making appropriation for the support of the Military Establishment of the United States, for the year one thousand eight hundred and seven. The bill was reported with several amendments thereto, which were severally twice read, and agreed to by the House.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time tomorrow.

Ordered, That the Committee of the whole House to whom was committed, on the twenty-third instant, the report of a select committee on the petition of the inhabitants of the counties of Alexandria and Washington, be discharged from the farther consideration thereof.

The House proceeded to consider the said report: whereupon, the resolution therein contained being twice read, was agreed to by the House, as follows:

Resolved, That the prayer of the said memorial is reasonable, and ought to be granted.

Ordered, That a bill, or bills, be brought in, pursuant to the said resolution; and that Mr. DAWSON, Mr. MAGRUDER, Mr. ANDERSON, Mr. VERPLANCK, and Mr. CUTTS, do prepare and bring in the same.

Mr. EARLY, from the Committee of Commerce and Manufactures, presented a bill for the relief of Stephen Kingston; which was read twice and committed to a Committee of the Whole on Monday next.

AMERICAN SEAMEN.

Mr. DANA said, that the House would recollect, that on a former occasion, it had been remarked by the honorable Speaker, that if the American merchants would agree to employ only seamen of our own country, a great controversy subsisting with Great Britain would be at an end. The resolution he held in his hand had for its object the holding out inducements to our merchants for employing American seamen. Various privileges were already granted by law to American merchants navigating American vessels, generally denominated discriminating duties, which extended to vessels built in the United States, and owned by citizens of the United States. If it should be also provided, that to entitle them to this discrimination, a certain proportion of the seamen navigating such vessels shall be citizens of the United States, it will become the interest of the merchant to employ American, in preference to foreign seamen. Of such a provision it would be a necessary appurtenance that the names of the seamen shall appear on the ship's papers, and thus there would be on board of each vessel a document, establishing the citizenship of the mariners, incapable of transfer. Mr. D. concluded with moving the following resolution:

Resolved, That, for the encouragement and security of the seamen of the United States, it is expedient to make provision that registered ships or vessels which may be employed in voyages to foreign ports after the —— day of ——, shall not continue to enjoy the provisions appertaining to ships or vessels of the United States, unless some proportion of the mariners on board the same shall be citizens of the United States.

Referred to the Committee of the Whole on Monday week.

GEORGE LITTLE.

The House resolved itself into a Committee of the Whole on the report of the Committee of Claims on the petition of George Little. The report is in favor of allowing the claim of the petitioner.

Messrs. HOLMES, DANA, J. CLAY, and QUINCY, supported, and Messrs. BIDWELL, D. R. WILLIAMS, MACON, and VARNUM, opposed the report, which was agreed to—ayes 65, noes 45; in which report the House concurred—yeas 67, nays 46, as follows:

YEAS—Evan Alexander, Willis Alston, jr., Burwell Bassett, Silas Betton, James M. Broom, John Boyle, Martin Chittenden, John Claiborne, Joseph Clay, George Clinton, jr., Orchard Cook, Leonard Covington, Richard Cutts, Samuel W. Dana, John Davenport, jr., John Dawson, William Dickson, Theodore Dwight, Peter Early, James Elliot, Caleb Ellis, William Ely, John Fowler, Seth Hastings, William Helm, David Holmes, David Hough, John G. Jackson, Walter Jones, James Kelly, Nehemiah Knight, Joseph Lewis, jr., Henry W. Livingston, Duncan McFarland, Robert Marion, William McCreery, Nicholas R. Moore, Jeremiah Morrow, Jonathan O. Mosely, Gurdon S. Mumford, Jeremiah Nelson, Thomas Newton, junior, Josiah Quincy, John Rea of Pennsylvania, Jacob Richards, John Russell, Dennis Smelt, John Smith, Samuel Smith, Richard Stanford, Joseph Stanton, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, Thomas W. Thompson, Abram Trigg, Philip Van Cortlandt, Killian K. Van Rensselaer, Daniel C. Verplanck, Peleg Wadsworth, Eliphalet Wickes, Marmaduke Willliams, Nathan Williams, Alexander Wilson, and Thomas Wynns.

NAYS—Isaac Anderson, John Archer, David Bard, Joseph Barker, George M. Bedinger, Barnabas Bidwell, John Blake, jr., Thomas Blount, Robert Brown, William A. Burwell, William Butler, Levi Casey, John Chandler, Matthew Clay, John Clopton, Frederick Conrad, Ezra Darby, Elias Earle, Ebenezer Elmer, John W. Eppes, William Findley, James Fisk, Edwin Gray, Andrew Gregg, Isaiah L. Green, Silas Halsey, James Holland, Thomas Kenan, John Lambert, Patrick Magruder, Josiah Masters, David Meriwether, Thomas Moore, Gideon Olin, John Porter, John Pugh, John Rhea of Tennessee, Thomas Sammons, Thomas Sandford, Ebenezer Seaver, John Smilie, Joseph B. Varnum, John Whitehill, Robert Whitehill, David R. Williams, and Joseph Winston.

Wednesday, December 31.

The Speaker laid before the House a letter from the Secretary of the Treasury, transmitting a statement of the present situation of the direct tax; from which it appears that $1,664,066 have been received, that near $176,000 are outstanding, and that the expenses of collection already ascertained amount to $120,000.

Mr. Holmes, from the Committee of Claims, presented a bill for the relief of George Little; which was read twice, and committed to a Committee of the Whole on Friday next.

An engrossed bill making appropriations for the support of the Military Establishment of the United States, for the year one thousand eight hundred and seven, was read the third time and passed.

IMPORTATION OF SLAVES.

The House proceeded to consider the amendments reported by the Committee of the Whole on the twenty-ninth instant, to the bill to prohibit the importation, or bringing of slaves into the United States, or the territories thereof, after the 31st of December, Whereupon, the first amendment being again read, in the words following:

"Sec. 1, line 7, Strike out, from the word '*slave*' to the end of the section, the following words:

"And if any person or persons shall, after the said thirty-first day of December, transport or bring, or cause to be transported or brought into the United States, or the territories thereof, any negro, mulatto, or person of color, contrary to the true intent and meaning of this act, every person or persons, so offending, shall be guilty of felony; and being thereof convicted before any Court of the United States, having competent jurisdiction, shall suffer death;" and, in lieu thereof, insert:

"And if any person or persons shall, after the said thirty-first day of December, transport or bring, or cause to be transported or brought into the United States, or the territories thereof, any negro, mulatto, or person of color, contrary to the true intent and meaning of this act, every person or persons, so offending, shall be deemed guilty of a high misdemeanor, and being convicted before any Court having competent jurisdiction shall suffer imprisonment not more than ten, nor less than five years:"

On the question of agreeing to this amendment a long debate arose.

Mr. Sloan was decidedly opposed to the amendment. He was aware that some might charge him with departing from his well-known peaceable principles, in contending for so sanguinary a punishment as death. But many crimes inferior to this were punished with death, and he thought that there ought to be a proportion in these things. Mr. S. stated the hardships of the Africans, and the cruel circumstances attending their importation, and insisted on the magnitude of the crime at considerable length.

After some conversation between Mr. Smilie and the Speaker, on a point of order, Mr. Dana called for a division of the question. The question was accordingly divided, the first being on striking out of the bill so much as inflicts the punishment of death.

Mr. Ely was against striking out. He deemed the crime in question as one of the most heinous kind, and one which ought to be punished capitally. But his principal reason for advocating so severe a punishment was, that he thought it the most effectual method of putting a stop to the trade. The other provisions of the bill were, in his opinion, not sufficient. If the punishment of death was inflicted, he presumed no persons would venture to engage in the trade, and run the risk of being punished, especially, as the traffic is one of the most uncertain and perilous kinds. It is said, if you punish with such severity, none will inform; but will any one venture to run the risk under this impression? Mr. E. thought not. Besides, this is the most humane punishment, because it will most effectually prevent the accumulation of miseries that result from the trade. It will, also, remove all the difficulties on the subject of forfeiture, by preventing the introduction of slaves.

Mr. Tallmadge said, he considered the question before the House to be, whether we should strike out that part of the section which attaches the crime of felony to this nefarious traffic, and, of course, annexes to it the punishment of death. He trusted the House would not consent to strike out that clause of the bill, the retention of which should receive his hearty support.

Since I have had the honor of a seat in this House, I can scarcely recollect an instance in which the members seem so generally to agree in the principles of a bill, and yet differ so widely as to its details. There seems to be great unanimity respecting the atrocity of the crime, but a wide difference of opinion as to the measures necessary to prevent it. To me, it is matter of surprise as well as of regret, that gentlemen, who appear so ardently engaged to prevent the introduction of slaves into our country, should not be willing to unite with us in providing for it an adequate punishment. The evils which may be expected to result from this commerce, if persisted in, will fall on the Southern States; and the Eastern and Middle States are accused of carrying it on. If this be the fact, and gentlemen are sincere in their declarations, why will they not unite with us to mete out that punishment which, on their own statements, will fall exclusively on those who are concerned in this execrable traffic from the Northern States?

I will not take up the time of this House in repeating the remarks which have been so copiously, and, in my opinion, so justly, detailed as to the atrocity and enormity of the crime. My only wish is to affix to it so exemplary a punishment that we may, if possible, totally suppress it.

On a careful examination of the penal codes of the civilized world, it will be found that there exists a striking similarity between those laws which were early enacted, and that system which was given to govern the Jews. In the origin of that nation, their government was a pure theocracy. All their laws were enacted by infinite wisdom, and of course were well adapted to the ends for which they were made. Although some of them were local, and calculated for that nation alone, yet the great prohibitions and solemn injunctions contained in that code, are of eternal and universal obligation. In this system of laws, I find one perfectly in point for the present case. If it should be cited by statute and section, I presume it would be more familiar to, and better understood by this auditory. The act which I refer to is entitled "a law for man-servants," &c., and the prohibition is contained in the 2d book, 21st act, and 16th section (Exodus 21st chapter and 16th verse,) and is in the following words: "And he that 'stealeth a man and selleth him, or if he be found 'in his hand, he shall surely be put to death." If this was the punishment by Heaven decreed for man-stealers and man-sellers in the days of the Jews, has that crime become less heinous in our day, that the same penalty should not be inflicted now? If nothing short of death could atone for that crime then, shall fine and imprisonment be substituted in its place now?

On examining the penal statutes of the United States, as well as of individual States, we shall find that, to many crimes short of treason and murder, the law has awarded the punishment of death. Shall we place this most abominable traffic (which I fear ere long will call down the vengeance of Heaven on our heads) in the list of minor offences? If there is any conduct or crime which, from the motives that originate, the conduct which attends, and the consequences which may be expected to flow from it, merits a severe punishment, it appears to me that the commerce which this bill is calculated to interdict, pre-eminently demands it.

Mr. MOSELY.—The only objection which has been made against this section of the bill, as it was originally introduced, is, that the severity of the penalty as there prescribed, would probably prevent the law from being carried into execution.

I entirely agree in the justice of the general remark, that it is the certainty, more than the severity, of the punishment, which tends to prevent the commission of crimes; that when the penalty is excessive or disproportioned to the offence, it will naturally create a repugnance to the law, and render its execution odious.

But I would ask, in the first place, what punishment can be considered as too severe to be inflicted on this inhuman and murderous traffic? Viewed in all its consequences, there is hardly to be found, I apprehend, in the whole catalogue of crimes, one attended with more accumulated guilt. I have, indeed, sir, heard no gentleman suggest anything in palliation of this offence, or deny that it is justly deserving of death. Why, then, are we to presume that the law would not be enforced? The gentlemen from the South assure us that they, and the people whom they represent, are sincerely solicitous to prevent the further importation of slaves into this country, and they will cheerfully and cordially co-operate in the most effectual measures for that purpose. Will they, then, from motives of tenderness to the persons employed in importing them, be unwilling to subject those persons to the punishment they justly merit?

Sir, there is one circumstance worthy of attention, which I think must obviate every objection of this sort. Who are the people engaged in this business? We have been repeatedly told, and told with an air of some triumph, by gentlemen from the South, that it is not their citizens; that they have no concern in this nefarious traffic; that it is the people from the Northern States who import these negroes into the Southern States, and thereby seduce their citizens to become their purchasers. If this be the fact, are we to believe that they will entertain any particular feelings of partiality or passion towards this class of people, or that they will not feel a just degree of indignation towards them, and be disposed to subject them to the most exemplary punishment? And as it respects the great body of the people in the Northern States, at least, I will presume to say, of the State which I have the honor to represent, should any of their citizens be convicted upon this law, so far from charging their Southern brethren with cruelty or severity in hanging them, they would acknowledge the favor with gratitude. When we consider the character of the persons engaged in this traffic, that they are the most hardened and abandoned of the human species, and that it is extremely lucrative, can we suppose that any penalty short of death will deter them from it? I shall be very glad if even this will have the effect.

The great difficulty which appears in disposing of these people in a satisfactory manner, should they be brought into the country, furnishes a strong argument in favor of excluding them, if possible, in the first instance.

No difference of opinion appears to exist concerning the general principles of the bill. All agree that the importation of slaves ought to be prohibited as soon as it can be done consistently with the provisions of the Constitution. But in case of their introduction, it appears difficult to make such a disposition of them as will accord with the dictates of justice and humanity, and at the same time be consistent with the safety of our Southern brethren. And in legislating upon the subject, I would cautiously avoid doing anything that might hazard their safety or tranquillity. The gentlemen here who represent the Southern States, while they declare that they are heartily disposed to stop the further introduction of slaves into those States, and upon every principle of sound policy, to say no more, I conceive they ought to be, tell us that it is incompatible with their security; and that the people will never consent to have these negroes and people of color set at liberty among them. To have them forfeited and sold as slaves under the sanction of Government, appears to many altogether objectionable. To convey them back to their own country, and reinstate them in safety among their respective tribes, is considered as impracticable. For Government to undertake to bind them out for a term of years, as has been proposed, would no doubt be attended with many difficulties.

If, then, their importation in the first instance could be prevented, all these embarrassments and difficulties would be avoided. And, in a general view of the case, it appears to me highly important, at the present time, when our attention is particularly called to this subject by the Message of the President of the United States, that, in legislating upon this subject, the Government of the United States should manifest their abhorrence of this detestable traffic, and their decided determination, if possible, to put an end to it.

Believing that the penalty of death will have a more effectual tendency to do this than imprisonment, or any inferior punishment, I am against concurring in the amendment made to this section of the bill in the Committee of the Whole.

Mr. Elmer was in favor of the motion. If he believed that the Mosaic law was now binding, he should be of a different opinion. He believed the punishment of death immoral; because the crime did not imply murder, and had no analogy to it. Besides, he thought death would not be so effectual as imprisonment, nor so likely to be inflicted. The crime was committed merely out of a love of gain. Mr. E. concluded with declaring his abhorrence of slavery, and of the slave trade, and that he had never had any connexion with slaves.

Mr. Smilie.—I did hope that when the select committee reported the bill, with the clause punishing the importation of slaves with death, it would be adopted in that form. For myself, I confess I consider it as the very marrow of the bill. But, to my astonishment, the subject has been taken up on a new ground by the gentleman who spoke last, (Mr. Elmer.) That gentleman says it is immoral to inflict the punishment of death in this case. I confess that I did believe that the laws given by God himself were not immoral. The gentleman on my right (Mr. Tallmadge) did read such a law. I did believe that no immoral law could proceed from such a source. It is true that some of the laws of the Jews were applicable only to the peculiar circumstances of that people, and so not binding on other nations. But I consider it as not so with that law.

It is unnecessary for me to describe to this House the atrocity of this crime and the circumstances attending it. Gentlemen say, to excuse the business, that it is committed out of love of gain. So, when a man kills and robs me, you may say it is from the love of gain. But that is no excuse. It cannot be, sir. It is for the reputation of Government that there should be a uniformity in the criminal code. If you look into the laws of the United States, you will see that, in some cases, a man is put to death for stealing only fifty dollars. [Here Mr. S. read an extract from the laws of the United States, to show the correctness of his declaration.]

Suppose some philosophical historian, some ages hence, writing a history of this country, and looking into your criminal laws, (for it is the duty of a historian to understand laws,) should find that you punish him who steals only fifty dollars with death, and punish the man-stealer with imprisonment only, what would such a historian say? Would not the paragraph in his history be an everlasting disgrace to our memory?

All of us seem to agree in the horrid nature of the crime, and the only objection to capital punishment is, that it cannot be carried into execution, because the people do not consider the crime worthy of death. Sir, I have a better opinion of the people of the United States. I have no doubt but that the law can and will be executed. Criminals can be removed from one State to another for trial, if necessary, but I presume it will not be. Gentlemen say that the people of the Southern States have great cause to be alarmed at the idea of continuing this traffic; far more cause than the people of the Eastern and Middle States. If this is true, and it certainly is, they will be more solicitous to punish this crime. If the law can then be executed in the Eastern and Middle States, it can be in the Southern States.

I do hope for the honor of this country; for the honor of our Government; for the honor of our nature, that this bill will pass without this alteration. It will transmit to the world our opinion of this crime. And I do trust that, when it is known how infamous we consider it, that the traders will be induced not to engage in this business, and that we shall be no more troubled on this subject.

Mr. Lloyd.—Though this traffic is sanctioned by the Constitution and laws of the United States, I regard it with hatred and abhorrence, and conceive it to be of the highest importance that we take means to put a complete stop to its further continuance. But, in my opinion, the punishment of death is not best calculated to accomplish this object. Besides, it is not proportional to the crime. This subject has not, I conceive, been fairly argued. Very few of the negroes brought into this country are kidnapped and stolen away. Look at the condition of the people of Africa. Three-fourths of those brought into this country are slaves originally, either by descent or conquest. It is a fact that slavery prevails extensively in Africa. Those taken in conquest are disposed of and sent abroad on account of the vindictive spirit of those people. Such is their thirst for revenge, that this is absolutely necessary for the safety of the conqueror. Of course, all the arguments urged on the ground of the slaves being kidnapped and carried away from a state of freedom, are fallacious.

Gentlemen have referred us to the Mosaic law on this subject as an authority. But, suppose you should adopt all the principles of that law, what would the people of the United States say to it?

Would they acquiesce? Though these laws were proper for the Jews, they are not so, of course, for us. They contemplated no other than temporal rewards. If I recollect right, there is no part of the Jewish dispensation which holds out the idea of a future state.

Another argument is urged. It is said that if a severe punishment is inflicted, the other provisions of the bill will be rendered unnecessary. In answer to this argument, I would refer gentlemen to the very example of the Jews. Though their criminal laws were numerous and excessively severe, yet we find that they were the most debased creatures on earth. Look to the countries of Europe, and especially to Great Britain, for the effect of severe criminal laws. It is found that severity of punishment multiplies rather than diminishes the number of crimes. Look into ancient history and read the sanguinary laws of Draco. Why did they exist no longer? Because they were so severe that they could not be endured. I am of the opinion, that in this case, imprisonment will be a more effectual punishment than death, and am therefore in favor of striking out.

Mr. OLIN.—I would ask gentlemen if they would not as soon be willing to be brought to the halter as to be made slaves for life? If they would, and I trust they would, man-stealing is a crime as bad as murder, and ought to be punished as heavy. I was at first against the punishment of death; but I own that gentlemen have convinced me by their arguments, and I am now the other way. I am persuaded that gentlemen will think there is nothing dishonorable in this changing one's mind.

Mr. EARLY.—I formerly thought that the decision on this question was not a matter of any great importance; but as it seems now to be considered as a prelude to an attack on subsequent parts of the bill, it appears to me now important that the subject be well understood and rightly decided.

What are you told? You are now told that a forfeiture is unnecessary, and that to inflict the punishment of death is the only way to stop this trade. I consider this as an old attack revived in a new form. I hope the House will pardon me for undertaking to assign reasons for the bill as reported.

We are told by one gentleman (Mr. ELY) that in this case there is ample time during the voyage for the trader to reflect on the enormity of his crime and the severity of the punishment, and that, in consequence of such reflections, he will be persuaded to abandon his enterprise. We are told that those who violate this law, will not do it from a sudden gust of passion, or momentary desire of gain, as is commonly the fact in case of murder, robbery, and theft; that it must be done deliberately, and after ample reflection on the guilt of the transaction. The gentlemen's premises are not universally correct. I doubt if even they are generally true. They are true only in those cases where a man's innate sense of right and wrong tells him that he is violating a moral law. This is not the fact with regard to the importer.

But admit the gentleman's premises to be correct, and his reasoning sound, his ideas have no practical application to this subject. Let me ask how they apply to the indirect trade, the trade from the Spanish territories? Here is the danger. It is from this quarter that you are to apprehend the introduction of slaves. Here the importer is beyond your jurisdiction; he is even beyond your reach. You cannot touch him. I should like to know how the fear of punishment will operate on him. I should like to know how the fear of death will operate on a man who is bound with his slaves to a country where he knows the punishment will not be enforced. He will be bound to a country where the people see slaves every hour of their lives; where there is no such abhorrence of the crime of importing them, and where no man dare inform. My word for it; I pledge it to-day, and I wish it may be recollected; no man in the Southern section of the Union will dare inform. It would cost him more than his life is worth. No man would risk it when it led to the punishment of death, when it was not for an offence which nature revolts at. They do not consider it as a crime.

We have been asked what punishment can be considered too severe for so atrocious a crime. Without answering the question in the abstract, it will be sufficient to answer it by a practical view of the subject. How do people consider the transaction? That is the question. Do they consider it such an outrageous crime? They do not. Gentlemen may legislate to suit their feelings, and not to suit the habits of the people for whom they legislate. Their reason must tell them that this is the fact.

Suppose a law had been made to punish with death all those concerned in the insurrection of 1793, could the law have been executed? Will the gentleman from Pennsylvania answer on this subject? It could not have been executed because so many people were concerned. So in this case. All the people in the Southern States are concerned in slavery. It is not then considered as criminal.

The gentleman (Mr. SMILIE) has said that, in the Southern States, slavery is felt and acknowledged to be a great evil, and that therefore we will execute a severe law to prevent an increase of this evil. Permit me to tell the gentleman of a small distinction in this case. A large majority of the people in the Southern States do not consider slavery as a crime. They do not believe it immoral to hold human flesh in bondage. Many deprecate slavery as an evil; as a political evil; but not as a crime. Reflecting men apprehend, at some future day, evils, incalculable evils, from it; but it is a fact that few, very few, consider it as a crime.

It is best to be candid on this subject. If they considered the holding of men in slavery as a crime, they would necessarily accuse themselves, a thing which human nature revolts at. I will tell the truth. A large majority of people in the Southern States do not consider slavery as even an evil. Let the gentleman go and travel in tha quarter of the Union; let him go from neighborhood to neighborhood, and he will find that this is the fact.

Some gentlemen appear disposed to legislate for the sake of appearances. One in particular (Mr. Smilie) is disposed to legislate for the honor and glory of the statute book. I should like to know what honor you will derive from a law that will be broken every day of your lives. Will this honor afford you any satisfaction for the evasion of the law? I hope the motion will prevail.

Mr. Ely thought, in opposition to the gentleman from Georgia, (Mr. Early,) that the punishment of death would operate to prevent the indirect trade. As to the question whether it is criminal in the Southern people to continue to hold their slaves, he believed it was not generally thought a crime; but whether it was a crime or not, made no difference as to the question before the House. The object is now to prevent the trade.

Georgia, by her constitution, recently adopted by the people of that State, or at least by a law, has prohibited the slave trade. Now, then, is it conceivable that they are disposed to continue the trade? There is no connexion between continuing the trade and continuing to hold their present slaves. All the Southern States, one only excepted, have expressed their abhorrence of this trade, and passed laws against it. On the gentleman's (Mr. Early's) reasoning, you cannot prevent the trade by any punishment whatever. If the people consider it proper, they will, on his reason, never inform. I trust, however, that if we make the punishment death, few will venture to run the risk of an examination and trial.

Mr. Holland.—In the Southern States slavery is generally considered as a political evil, and in that point of view nearly all are disposed to stop the trade for the future. But have capital punishments been usually inflicted on offences merely political? I believe not. Fine and imprisonment are the common punishments in such cases. The people of the South do not generally consider slavery as a moral offence. The importer might say to the informer that he had done no worse, nor even so bad as he. It is true that I have these slaves from Africa; but I have transported them from one master to another. I am not guilty of holding human beings in bondage. But you are. You have hundreds on your plantations in this miserable condition. By your purchases you tempt traders to increase the evil. You and your ancestors have introduced this calamity into the country, and you are continuing, you are augmenting it. The importer might hold the same language to the jury and the judge who try him. He might tell them that they were even more guilty than he. Under such circumstances the law inflicting death would not be executed. But if you punish by fine and imprisonment only, you will find the people of the South willing and ready to execute the law.

Gentlemen always appear on this subject to blend the question of immorality with that of political expediency. But it is a fact well known that the negroes imported are brought from a state of slavery. There is only a transfer from one master to another; and it is admitted that the condition of the slaves in the Southern States is much superior to that of those in Africa. Who, then, will say that the trade is immoral?

The laws of Moses have on this occasion been cited. But if you look further, you will find them almost as bloody as those of Draco. Besides, if that good old book is brought in, many things will be found on the other side. Slavery appears to be tolerated there.

Mr. Stanton.—In 1784, Rhode Island passed a law declaring that all blacks, from thereafter, should be as free as the whites. But, since, some people of that State have been tempted by the high price offered for negroes by the Southern people to enter into this abominable traffic. I wish the law made strong so as to prevent this trade in future; but I cannot believe that a man ought to be hung for only stealing a negro. Those who buy, are as bad as those who import them, and deserve hanging quite as much.

Mr. Dwight.—We are all happily agreed in the great object of the bill—the prevention of the importation of slaves into the United States. Unfortunately, we are not so well agreed in the means to effect this object. It is not, however, at all strange that men should differ about the best mode to accomplish so important a purpose; and especially men in the circumstances in which we are placed. Those of us who come from the Northern and Eastern States, where slavery exists not at all, or but in a slight degree, would naturally view this subject in a very different light from gentlemen who represent the Southern States, where slavery always has existed, and that to a great extent. As great a degree of unanimity as is possible is of much importance, both for the purpose of effectually preventing this inhuman traffic, and for the honor and reputation of our country.

The point now to be settled is, shall we declare the being concerned in the importation of slaves a capital offence, or shall we leave it subject only to fine and imprisonment? Those gentlemen who are in favor of the latter punishments, object to the former as being disproportioned to the offence. The gentleman from Maryland, (Mr. Lloyd,) in attempting to lower the nature of the crime, has urged an argument in extenuation of the slave trade entirely new. He says, the negroes are of such a turbulent and vindictive character at home, that the chiefs of their nations are obliged to transport them for their own safety. [Here Mr. Lloyd interrupted Mr. D., and said, that the gentleman certainly misunderstood him; that he had not intended to justify the slave trade at all; on the contrary, he condemned it entirely. He had only mentioned the facts, that the Africans were slaves at home, and that they were of such a vindictive character that it was not safe to have them in the country.]

Mr. Dwight.—I understood the gentleman before precisely as I do now. I did not understand him to approve of the slave trade. My argument was, that in order to lessen the nature of the crime, he had stated that such was the character of the Africans, that it was not compatible with the public safety that they should remain in their own country. If the fact be so, sir, that they are such troublesome, and even dangerous subjects, even in that case I should be extremely sorry to hear that the people of this country should take upon themselves the disgraceful task of executing the laws of the black chiefs of Africa.

The gentleman from Georgia (Mr. EARLY) has informed us repeatedly that a law making this a capital offence cannot be executed in the Southern States; that the importation of slaves has so long been familiar to them, that a great majority of the people consider it not as an aggravated crime, and a large portion of them as no crime at all; that if we make such an offence capital; if we make the consequence of importing a cargo of slaves to be the loss of life, no man will ever be prosecuted for it, because no man will dare inform. All the gentlemen, sir, from the Southern States, who have spoken on this subject, have told us that they earnestly wish effectually to prevent the slave trade in future. I am disposed to credit them fully. Indeed, I cannot conceive that they should not sincerely and fervently wish to prevent a traffic, which, if persisted in, must in all human probability, first or last, bring upon them and their families the most tremendous calamities. If, then, they view the subject in this light, if they are sincere in making these declarations, there is not only no danger that the law will not be executed, but they will unite to a man to execute the law; the whole community will inform; a regard to their own lives, and the lives of their posterity, will drive them to it. And if, sir, in the rigid execution of this statute, its penalties fall upon men from the Eastern States, who are profligate enough to engage in this inhuman trade, I most heartily concur with my colleague in saying, let the law have its full force, let it fall with all its force upon the offender; let him die.

The gentleman from North Carolina (Mr. HOLLAND) has told us, that morality has nothing to do with this traffic: that it is not a question of morals, but of politics. Sir, the President of the United States, in his Message at the opening of the present session of Congress, has given us a very different opinion. His language is: "I congratulate you on the approach of the period at 'which you may interpose your authority, constitutionally, to withdraw the citizens of the United 'States from all further participation in those violations of human rights, which have been so 'long continued on the unoffending inhabitants of 'Africa, and which the morality, the reputation, 'and the best interests of our country, have long 'been eager to proscribe." Here we are informed, sir, that the slave trade is a violation of human rights; and that not only the best interests and the reputation of our country, but that morality itself is deeply concerned in it, and has long been eager to proscribe it. But, need we inquire whether it is immoral to inflict evils upon unoffending Africans? The gentleman says, that we do them no injury; that they are slaves at home, and and we only transfer them from a state of slavery there to one attended with fewer calamities here. Sir, by what authority do we interfere in their concerns? Who empowered us to judge for them as to which is the worse and which the better state? Have these miserable beings ever been consulted on the question of their removal? Who can say that the state in which they were born, and to which they are habituated, is not more agreeable to them than one altogether untried, of which they have no knowledge, and about which they cannot even make any calculations? Let the gentleman lay his hand on his heart; let him ask his own conscience, if it is not a violation of human rights, if it is not immoral, thus forcibly to carry these wretches from their home, and from their country; and if that does not answer in the affirmative, I will never request him to apply to any other monitor.

In discussing this question gentlemen have appealed to the laws of Moses. In my opinion, sir, we had better confine ourselves to the business of legislation than to undertake the task of expounding Scripture. From the opinions that have been given, I think we shall appear to more advantage in the former than we do in the latter. We should probably find it necessary to furnish ourselves with a new set of authors, and to pursue a different course of studies, to qualify us for expositors, from that which we have pursued to prepare for our present employment.

Mr. J. CLAY rose to make only one observation. It must occur to every Pennsylvanian in the House, that it had been the policy of that State to abolish the punishment of death in all cases except murder in the first degree. And even in those cases, all indicted in Philadelphia had been, Mr. C. believed, either acquitted or pardoned. Mr. C. did not believe that the law, if it inflicted the punishment of death, could be executed. A jury would not convict.

Mr. SMILIE rose in answer to his colleague (Mr. J. CLAY.) I have asserted, and that boldly too, and I will assert it again, that this law can be executed in Pennsylvania. I have never known an instance there of murder in the first degree that was not punished with death. And if the law can be executed against murder, it can in this case; for here is a crime above murder. It is man-stealing added to murder.

Mr. SLOAN.—The observations of the gentleman from Maryland (Mr. LLOYD) and from North Carolina, (Mr. HOLLAND,) bring to my mind a dispute which once took place between two of my neighbors, a long while ago, about a passage in the bible, which was settled by an appeal to a Roman Catholic. Mr. S. related the circumstances of the story at some length.

I could detain the House a long time in telling them what I have read in authors on African slavery, in authors which are entitled to as much credit, and which I believe as fully as those the gentlemen (Mr. LLOYD and Mr. HOLLAND) have ead. I could detain the House a long time in elling them how they used to be landed in Jersey, near where I live, when I was a boy growing up, because in Pennsylvania there was a duty of $10 a head. I could detain the House in relating the pitiful stories I have often myself heard from those poor slaves who were about my own age, as we used to be together, how they were kidnapped and stolen away, in the most piteous manner, and what a paradise their home in Africa was to their situation here.

The question was loudly called for, and was about to be put, when Mr. Elmer rose. He hoped the House would not be led away by the declamation of the gentleman. Mr. E. spoke further at some length.

Mr. Barker agreed with gentlemen as to the heinousness of the crime, but differed with many from the same quarter of the Union (Eastern States) as to the punishment. He thought the punishment of death both unjust and inexpedient; unjust, because not necessary for the safety of society; and inexpedient, because not the most effectual punishment. He thought it would be better to enslave the importer. Let him be put to labor, and know a little by experience what the evils of slavery are.

Mr. Varnum thought the Southern States were in imminent danger from slavery. He recollected that he had heard a Southern gentleman, formerly a member of that House, compare that part of the Union to a bundle of combustibles, which only wanted a little fire to kindle a blaze that would consume them.

If the Southern people would not inform, in case the punishment is death, they will not in case of imprisonment for ten years. If they consider the importation no crime, as has been stated, they will not execute any part of the law, and no punishment can be inflicted. But I have a better opinion of the Southern people. I have so often heard gentlemen from the South express their dread of the final ruin of that country from slavery, that I do believe this law can and will be executed.

Mr. Findley gave his opinion that the law could be executed as well in Pennsylvania as in any quarter of the Union. The United States laws, in some cases, inflict the punishment of death, when it is not done by the Pennsylvania laws, and yet there is no difficulty in executing those penal laws of the United States. Mr. F. was against striking out.

The question being taken by yeas and nays, on striking out so much of the first section as inflicts the punishment of death on owners and masters of vessels employed in the slave trade, it was carried—yeas 63, nays 53, as follows:

Yeas—Willis Alston, jun., John Archer, Joseph Barker, Burwell Basset, Silas Betton, John Boyle, William A. Burwell, William Butler, George W. Campbell, Martin Chittenden, John Claiborne, Joseph Clay, George Clinton, jun., John Clopton, Orchard Cook, Ezra Darby, John Dawson, William Dickson, Peter Early, James Elliot, Caleb Ellis, Ebenezer Elmer, James Fisk, Isaiah L. Green, William Helms, James Holland, David Holmes, John G. Jackson, Walter Jones, Thomas Kenan, Nehemiah Knight, Edward Lloyd, Patrick Magruder, Robert Marion, William McCreery, David Meriwether, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, Gurdon S. Mumford, Thomas Newton, jun., John Randolph, John Rhea of Tennessee, Jacob Richards, Peter Sailly, Thomas Sandford, Martin G. Schuneman, Dennis Smelt, John Smith, Samuel Smith, Henry Southard, Richard Stanford, Joseph Stanton, Samuel Taggart, Samuel Tenney, Uri Tracy, Abram Trigg, Daniel C. Verplanck, Robert Whitehill, Eliphalet Wickes, Nathan Williams, Joseph Winston, and Thomas Wynns.

Nays—Evan Alexander, Isaac Anderson, David Bard, George M. Bedinger, Barnabas Bidwell, John Blake, jun., Thomas Blount, James M. Broom, Robert Brown, Levi Casey, John Chandler, Matthew Clay, Frederick Conrad, Leonard Covington, Richard Cutts, Samuel W. Dana, John Davenport, junior, Theodore Dwight, Elias Earle, William Ely, John W. Eppes, William Findley, John Fowler, Edwin Gray, Andrew Gregg, Silas Halsey, Seth Hastings, David Hough, John Lambert, Duncan MacFarland, Josiah Masters, John Morrow, Jonathan O. Mosely, Jeremiah Nelson, Gideon Olin, John Porter, John Pugh, John Rea of Pennsylvania, John Russell, Thomas Sammons, Ebenezer Seaver, James Sloan, John Smilie, Benjamin Tallmadge, David Thomas, Thomas W. Thompson, Philip Van Cortlandt, Joseph B. Varnum, Peleg Wadsworth, John Whitehill, David R. Williams, Marmaduke Williams, and Alexander Wilson.

The question on inserting, in lieu of what was stricken out, a clause prescribing imprisonment for not more than ten, nor less than five years, was carried without a division.

The amendments to the second and third sections were read and agreed to, when after several unsuccessful attempts to adjourn, the further consideration of the subject was postponed till Friday—ayes 71—to which day the House adjourned.

Friday, January 2, 1807.

The Speaker laid before the House a letter from the Secretary of the Treasury, enclosing the transcript of decisions, and report on rejected claims, made by the commissioners appointed to examine the claims to land in the district of Detroit, in conformity with the several acts making provision for the disposal of the public lands in the Territories of Indiana and Michigan; which were read, and referred to the Committee on the Public Lands.

On motion of Mr. Clopton, the petition of sundry British merchants and others, subjects of His Britannic Majesty, presented to this House on the 21st of December, 1804, was referred to Mr. Clopton, Mr. Nathan Williams, Mr. Helms, Mr. Bishop, and Mr. Fowler; to examine and report their opinion thereupon to the House.

Mr. Mumford presented to the House a petition of David Gelston, Collector of the Customs of the district of New York, which was received and read, praying to be reimbursed in the amount of damages and costs sustained by him in attempting to detect, by judicial prosecutions, frauds committed in obtaining from his office, contrary to the laws of the United States, registers for vessels owned wholly, or in part, by the subjects of

His Britannic Majesty.—Referred to the Committee of Commerce and Manufactures.

Mr. SOUTHARD presented to the House a petition of sundry inhabitants of the city of Washington, in the Territory of Columbia, whose names are thereunto subscribed, which was received and read, praying that a law may be passed, authorizing the cultivation of the public ground in the said city, by the inhabitants thereof, upon such terms, and under such regulations, as Congress may deem just and proper.—Referred to Mr. SOUTHARD, Mr. GRAY, and Mr. COVINGTON; to examine and report their opinion thereupon to the House.

Mr. TENNEY, from the Committee of Revisal and Unfinished Business, to whom it was referred to examine the Journal of the last session, and report therefrom such matters of business as were then depending and undetermined, made report, in part; which was read, and ordered to lie on the table.

Mr. JOSEPH CLAY, from the committee appointed on the eleventh ultimo, presented a bill for the encouragement of learning, and for the promotion of the useful arts; which was read twice, and committed to a Committee of the Whole on Tuesday next.

On motion of Mr. ALEXANDER,

Resolved, That a committee be appointed to inquire whether any, and, if any, what, further provision ought to be made, by law, prescribing the manner in which the public acts, records, and judicial proceedings of one State shall be proved and given in evidence in another State, and the effect thereof; and that they have leave to report by bill, or otherwise.

And a committee was appointed, of Mr. ALEXANDER, Mr. BIDWELL, Mr. FISK, Mr. ELMER, Mr. EPPES, Mr. THOMAS W. THOMPSON, and Mr. SANDFORD.

On motion of Mr. ROGER NELSON,

Ordered, That the Message of the President of the United States, of the fifteenth ultimo, communicating a report of the Surveyor of the Public Buildings, at the City of Washington, on the subject of the said buildings, be referred to Mr. ROGER NELSON, Mr. LEWIS, and Mr. FINDLEY.

Mr. J. CLAY from the Committee appointed on the petition of sundry patentees and Oliver Evans, presented a bill for the encouragement of learning, and the promotion of the useful arts, which was referred to a Committee of the Whole.

Mr. DAWSON observed that in the year 1803, a resolution had been passed by the House, which was the basis of a law for the extension of the external commerce of the United States for which purpose a small appropriation had been made. The law had been discussed with closed doors; after the passage of which the injunction of secrecy had been removed. Soon afterwards, an expedition had been undertaken by Capt. Lewis, Capt. Clarke and others, which, they had been advised, had been attended with all the success expected. These gentlemen have traced the Missouri to its source; and have passed along the Columbia to the Pacific Ocean, exploring the course of various streams, and making themselves acquainted with the adjacent country and its inhabitants. In doing this, they have traversed an immense country, and have encountered and overcome great difficulties and perils. Mr. D. said they had fortunately returned, and, in his opinion, deserved not only the thanks of their country, but likewise the gratitude of posterity. Mr. D. said he had been induced from these considerations to invite the attention of the House to the subject, in the propriety of which he was confirmed by the original communication of the President, which held out the idea, that in the estimate submitted to the House, the sum then appropriated was but a part of what might eventually be necessary.

Mr. DAWSON concluded by offering the following resolution:

Resolved, That a Committee be appointed to inquire what compensation ought to be made to Messrs. Lewis, and Clarke, and their brave companions, for their late services in exploring the western waters, to report by bill or otherwise.

This resolution was immediately agreed to without a division, and Messrs. ALSTON, BARKER, BLAKE, J. WHITEHILL, and MORROW, of Virginia, named the committee.

The House resolved itself into a Committee of the Whole on the report of the Committee of Ways and Means, on the petition of Anthony Benezet and others, which report was favorable to the prayer of the petitioners. A debate of considerable length arose, in which Messrs. J. CLAY, FINDLEY, J. RANDOLPH, R. NELSON, SLOAN, SOUTHARD, and ALEXANDER, advocated—and Messrs. HOLLAND, BIDWELL, MACON, JACKSON, and ALSTON, opposed the report; when the question was taken and the report agreed to.

The Committee rose, and the House immediately considered their report, and agreed to it—ayes 51, noes 46; when the Committee of Ways and Means was instructed to bring in a bill.

JUDICIAL COURTS.

Mr. ELLIOT moved the following resolution:

Resolved, That a committee be appointed to inquire what amendments and alterations are necessary in the several laws relative to the organization, powers, and duties, of the judicial courts of the United States; and that the said committee report by bill or otherwise.

Mr. E. said that he had the honor, some days since, to present to the House certain resolutions of the General Assembly of Vermont, concurring in an amendment proposed to the Constitution of the United States, by the State of Kentucky, contemplating a material limitation of the present Constitutional powers of the Federal Judiciary. This amendment has been adopted by several States, but has also been rejected by such a number, as completely to ascertain the fact, that it cannot at present become a part of the Constitution of the United States. Great evils certainly exist in consequence of the exercise of the powers now legally vested in the federal courts; and it becomes important to inquire whether those evils cannot be removed by the ordinary means of legislation, exercised within the sphere of the Constitutional powers of Congress. From the attention which he had been able to pay to the subject, Mr. E. said that he was convinced that most of the grievances complained of might in this way be redressed; and it was to bring this important subject before the House that he was induced to make the present motion, and to hope for its adoption.

The resolution was adopted without a division, and referred to Messrs. **Elliot**, **G. W. Campbell**, **Mumford**, **Smelt**, **Boyle**, **Dwight**, **M. Clay**, **Broome**, and **Lloyd**.

PUNISHMENT OF CERTAIN CRIMES.

Mr. **Dawson**, from the committee to whom was recommitted the bill providing for the punishment of certain crimes against the United States, reported the bill with an amendment, striking out the third section, which was referred to the Committee of the Whole on Monday.

Mr. **Dana** observed that prosecutions, he understood, were depending in the courts of the United States, not arising under any existing statute or treaty of the United States, but prosecutions sustained at common law. In four cases warrants had been issued at the order of the court, the parties arrested and held to trial. Two of these prosecutions were against printers, for publications, which had appeared in their papers; two against clerical gentlemen, for words uttered by them. The charges extended to various questions respecting political conduct, morality, and religion. It was a subject of vast importance, whether this extensive range would be allowed to a public accuser, holding his place at the will of the Executive of the United States.

At common law, a libeller may be subjected to fine and imprisonment, according to the discretion of the court, to which might be added the mutilation of the ears, according to the doctrine of Coke, in the Star Chamber. Security may also be required for good behaviour for his whole life. To the amount of fine there was no limitation.

There was also involved in these prosecutions an interesting question as to evidence. Shall the truth of the charges, once established, be considered as conclusive evidence, however pure the intentions of the accused may be proved to have been? With this question was connected the provisions of a celebrated declaratory statute carried through the British Parliament by a distinguished man, as implicating the point how far this statute affected the common law in the United States. There was likewise another question, viz: whether the person charged with having uttered slanderous words shall have liberty to prove the truth of what he uttered. This liberty was denied by the courts of Star Chamber in England. Such had been the fact in the case of Zenga in America, and in a case which had recently occurred in one of these States, in the second circuit of the United States, on the trial of Croswell. Mr. D. concluded by observing that he had suggested these ideas as an apology for asking that the subject might be examined; and then he offered the following resolution:

Resolved, That a committee be appointed to inquire whether prosecutions at common law should be sustained in the courts of the United States, for libellous publications, or defamatory words, touching persons holding offices or places of trust under the United States, and whether it would not be proper, if the same be sustained, to allow the parties prosecuted the liberty of giving the truth in evidence, and that the committee report by bill or otherwise.

Mr. **Dana** moved to refer this resolution to a Committee of the Whole.

Mr. **Bidwell** said the object of the resolution appeared to be merely the appointment of a committee to inquire. If the mover would so modify it as to obtain a discussion of the principle involved in it, he should have no objection to it. It did not appear to him in order to refer a resolution for the appointment of a select committee to a Committee of the whole House.

Mr. **Dana** insisted that the resolution was clearly in order; and that it was unnecessary to give it the form of a specific proposition to insure to the subject a full discussion in Committee of the Whole.

Mr. **G. W. Campbell** remarked, that if this resolution was referred to a Committee of the Whole, the only question that could be presented to them would be the expediency of referring it to a select committee, to make the proposed inquiry. The most regular and proper course was to refer the resolution in the first instance to a select committee, and afterwards to refer their report to the Committee of the Whole.

Mr. **J. Clay** said, that the objection made to referring this resolution to a Committee of the Whole was, that it was best to refer it in the first instance to a select committee to settle the principle. But this would be to invert the usual course pursued in the House, which was first to settle principles in a Committee of the Whole. He had understood that, in the second circuit of the United States, prosecutions and indictments had been made at common law. In times past, which he hoped would never return, a sedition law had been passed. That law gave every man accused the liberty of giving the truth in evidence. He understood that, under the common law, after an indictment was preferred, the truth was not permitted to be given in evidence; and that, under this doctrine, they would, therefore, be worse off than under the sedition law. He hoped the resolution would be referred to a Committee of the Whole to make the proposed inquiry.

Mr. **Bidwell** agreed that a Committee of the Whole was the proper place for settling principles. If the resolution were framed so as to answer this purpose, it should have his approbation. But the only question, in its present form, was merely for the appointment of a select committee to investigate the subject, which investigation would be most properly made in a Committee of the Whole.

Mr. **Quincy** said that the objection of his colleague seemed to be to the word *inquire*. Mr. Q. thought it was most proper for the House, in Committee of the Whole, to determine whether it would be expedient to appoint a select committee to inquire. If it should be decided that no such inquiry is expedient, there would be an end to the business. If a contrary decision were made, then a committee might be appointed to make the inquiry. The gentleman would not say that the resolution did not contain a principle of vast importance, well worthy of investigation. In his opinion, it was best first to settle the principle in Committee of the Whole, and then instruct a select committee on the nature of the inquiry, and the degree to which it should be made.

Mr. EPPES said, he should vote for a reference of the resolution to the Committee of the Whole, although he believed it was not draughted in such a form as it should be, to insure a discussion of the principles involved it. If he understood it, it would reduce the House to the necessity of discussing the question, which had been heretofore discussed, whether the passage of a law giving a man a right to give the truth in evidence, would abridge his rights. He could have wished the gentleman from Connecticut to have stated a specific proposition, such as that the common law of England is not a part of the law of the United States, and that in all prosecutions it is the right of a citizen to give the truth in evidence.

Mr. E. said he wished the gentleman would go further, and offer a resolution to inquire into the official conduct of any judge who had dared to institute such prosecutions as had been intimated. He would have no objection to going a step further, to impeaching him and voting for his removal.

Mr. E. said, that although he should vote for the reference of this resolution, he could not but remark that it was extraordinary for the gentleman from Connecticut to make such a motion. Suppose the gentleman were to offer a resolution for appointing a committee to inquire whether a citizen of the United States had a right to the privilege of the habeas corpus act, would not such a proposition be deemed most extraordinary? But to show that he was not afraid to meet the question, once already agitated in this country, he was ready to refer the present resolution, as well as to inquire into the official conduct of any judge who had practised the doctrines mentioned by the gentleman from Connecticut.

Mr. DANA said, he would explain to the House the reasons which had induced him to submit the resolution in its present form. In the observations he had offered, he had avoided all allusion to the past questions which been agitated in this country. He did not wish to present the proposion, in its outset, in such a form as might give offence to any part of the House; but in such a form that the House might, after a deliberate investigation of the subject, express their opinion upon it. He had supposed it would be clearly in order, in the Committee of the Whole, to move an amendment, declaratory of principle, instead of referring the inquiry to a select committee, in case that mode should be deemed most eligible.

Mr. G. W. CAMPBELL did not wish it to be understood that he had any objection to the question coming before the House. On the contrary, if doubts existed of the right of the citizen in any State, who was accused, to give the truth in evidence, he hoped the question would be settled by the House. He entertained a different opinion on this subject from that which had been expressed. In a number of the States, the laws gave the individual the right of giving the truth in evidence. He had always considered the State laws on this subject binding on the Federal courts. This question had never influenced the proceedings of the courts with which he was best acquainted; and if it had affected their proceedings in other States, it was high time to settle the question. The remarks which he had made did not appear to be understood by the gentleman from Pennsylvania. He did not consider the select committee, to whom it was proposed to refer this resolution, as intended to decide the principle, but to determine whether it is proper for the House to discuss it. He was clearly of opinion that the resolution should not be referred to a Committee of the Whole. It would not be there in order to settle the principle, but merely to determine whether it should be referred to a select committee. What, then, would be the effect of this course? After the report of the select committee, the Committee of the Whole must then discuss the principle. It would, therefore, contrary to the usual course, be twice discussed instead of once.

Mr. SMILIE wished the gentleman from Connecticut would present a specific proposition on the subject, which would enable the House to decide on the principle, and afterwards refer it to a select committee. This was a round-about way of doing business. The only object of the Committee of the Whole would be to inquire whether it would be proper to appoint a committee to inquire; whereas, if a specific resolution was offered, the principle involved in it might be decided in a Committee of the Whole. He trusted there was no difference of opinion on the subject in the House.

Mr. ELY did not pretend to be well acquainted with the usual mode of doing business in the House; but if he understood the object of the motion made by the gentleman from Connecticut, it was to give the committee appointed such a commission as the House, instead of the mover, might wish. If the House considered the motion as not exactly right, it would be in their power to give such commission as should be most consentaneous to their ideas. He thought this the most correct course. A gentleman draws up a resolution, which, perhaps, only in part suggests the opinions of the majority; the House then lay it before a Committee of the Whole, to modify it according to their ideas. Mr. E. thought the whole subject would be before a Committee of the Whole, and that it would be in the power of gentlemen to modify it as they pleased.

Mr. EPPES said, if he understood the object of the resolution, it presented two subjects for consideration; the first of which was, whether the common law of England was the law of the land; and the second, whether in cases of prosecution, the accused may give the truth in evidence. He thought the gentleman from Connecticut might get at his object better by two specific resolutions, than by the one he had proposed; he had drawn such resolutions, and would read them by way of argument.

Mr. E. here read the following resolutions:

1. *Resolved,* That the common law of England is not a part of the law of the United States, except so far as it has been adopted by the laws of the United States or of the individual States; and that the prosecution of a person at common law for libel is a violation of the freedom of the press, and contrary to the Constitution of the United States.

2. *Resolved,* That in all prosecutions, whether criminal or otherwise, it is the natural right of the citizen to give in evidence the truth.

Mr. Dana said that, in preparing the resolution which he had offered, he had endeavored to present it in the most unexceptionable form; under the impression that, when the subject was before a Committee of the Whole, it might be modified agreeably to the wishes of the majority; and where the resolutions offered by the gentleman from Virginia might be moved as an amendment to the resolutions which he had submitted. Should he agree to substitute these resolutions in lieu of his own, he might be considered as agreeing with the gentleman in every word they contained; whereas it could not be expected that he could be ready hastily to pledge himself on any specific resolution until he had maturely considered it. The gentleman from Virginia had doubtless fully considered them, and was prepared to give his vote. Without, however, pronouncing on the principles contained in them, he thought at least there was some inaccuracy in the language.

Mr. Eppes did not suppose that resolutions hastily drawn possessed all the professional accuracy which might be given to them; and very possibly they did not possess all the precision which would have characterized them if drawn by the pen of the gentleman from Connecticut. But the objection of the gentleman otherwise was not well founded. If the resolutions he had suggested were to be submitted immediately to the decision of the House, there might be some solid objection; but when it was known that the object was to refer them for discussion, they amounted to no more than an expression of the sentiments of the mover on the subject. Mr. E. said he religiously believed that the common law of England was never a part of the law of the land, and that when a man was prosecuted, he had a right to give the truth in evidence. If the gentleman persisted in refusing to modify his resolution, he would move a postponement for the purpose of introducing his own.

Mr. Speaker said, a motion to postpone had no preference over a motion to commit.

Mr. Alexander said, that the resolution under consideration, if not the most technically accurate, appeared to him the most proper for the adoption of the House. It contained two propositions—first, whether it is expedient to inquire whether the prosecuting officers of the United States have a right to institute prosecutions for defamatory language; and, secondly, if so, whether, in such prosecutions, the truth can be given in evidence? It had been objected to, because it submitted it to the Committee of the Whole to decide, whether it were expedient to appoint a select committee to inquire. The gentleman from Tennessee was of opinion that it would not be competent to a Committee of the Whole to discuss the principles of the resolution; but that they would be exclusively confined to a consideration of the expediency of appointing a select committee to make the inquiry. Mr. A. said this was not his opinion. Before the Committee of the Whole the whole subject would present itself. He added that he could conceive of a phraseology that would not contain the obnoxious term "select committee," to wit, to make the resolution read, "whether it is not expedient to inquire," &c., omitting altogether the term select committee. Would not this, however, be presenting the subject in the same point of view? And if the Committee of the Whole decided that it was proper to make the inquiry, the next step would be to appoint a select committee. Mr. A. thought the question of high importance, and the course proposed very proper. It was best to present the subject under a general view, and not in the specific form suggested by the gentleman from Virginia. He should therefore vote for the reference. He declared himself of opinion that the accused had a right to give the truth in evidence; but said he had not yet made up his mind, whether such prosecutions could be carried on by the officers of the United States.

The reference to a Committee of the Whole was then agreed to—ayes 57, noes 41; and the resolution made the order for Thursday next.

Monday, January 5.

Another member, to wit: Matthew Walton, from Kentucky, appeared, and took his seat in the House.

The following Message was received from the President of the United States:

To the House of Representatives of the United States:

In compliance with the request of the House of Representatives, communicated in their resolution of the twenty-sixth of December, I now lay before them a report of the Secretary of the Navy on the state of the frigates, supplementary to his former report of January twenty-eighth, of the last year, communicated to the House of Representatives.

TH. JEFFERSON.

January 5, 1807.

The Messsage was read, and, together with the documents accompanying the same, ordered to lie on the table.

On motion of Mr. Roger Nelson,

Resolved, That a committee be appointed to inquire whether any, and, if any, what, alterations ought to be made in the militia laws of the District of Columbia, with leave to report by bill, or otherwise.

And a committee was appointed, of Mr. Roger

NELSON, Mr. VAN CORTLANDT, Mr. TRIGG, Mr. BLOUNT, and Mr. REA, of Pennsylvania.

A Message was received from the President of the United States transmitting a copy of the laws of the Territory of Michigan, passed by the Governor and Judges of the Territory, during the year one thousand eight hundred and five. The said Message was read, and, together with the laws transmitted therewith, ordered to lie on the table.

Mr. PARKE presented to the House a petition of William Henry Harrison, Governor of the Indiana Territory, which was received and read, praying compensation for his services in assisting to prepare the laws of the said district, previous to the first of October, 1804; and for his services as Governor and Superintendent of Indian Affairs for the same, from that period to the first of July following.—Referred to the Committee of Claims.

Mr. MARMADUKE WILLIAMS, from the committee appointed on the twenty-second ultimo, presented a bill to extend the power of granting writs of injunctions to the Judges of the District Courts of the United States; which was read twice and committed to a Committee of the whole House on Thursday next.

Mr. TENNEY, from the Committee of Revisal and Unfinished Business, to whom it was referred to examine and report such laws of the United States as have expired, or are near expiring, made a report, in part, thereon; which was read, and ordered to lie on the table.

Resolved, That the Committee of Commerce and Manufactures be directed to inquire into the expediency of continuing in force, for a further term, the act, entitled "An act to suspend the commercial intercourse between the United States and certain parts of the Island of Saint Domingo;" and that they be authorized to report by bill, or otherwise.

The House resolved itself into a Committee of the Whole on the bill authorizing the discharge of William Hearn from his imprisonment. The bill was reported without amendment, and ordered to be engrossed and read the third time to-morrow.

Mr. JOHN RANDOLPH, from the Committee of Ways and Means, presented a bill for the relief of Anthony Benezet, and others; which was twice read and committed to a Committee of the Whole to-morrow.

The House resolved itself into a Committee of the Whole on the bill for the relief of George Little. The bill was reported without amendment and ordered to be engrossed, and read the third time to-morrow.

Mr. VAN CORTLANDT, from the committee to whom was referred the petition of the Highland Company, praying for the application of a part of the surplus revenue of the post office towards the completion of the turnpike road which they are engaged in executing, made a report.

The report acknowledges the high importance of the object, but gives an opinion that it is inexpedient for the Government of the United States to interfere with the making of turnpike roads.

Mr. VAN C. observed that the members of the select committee were divided on the report, and moved its reference to a Committee of the Whole on Monday. Agreed to—yeas 54.

The House resumed the consideration of the report of the Committee of the Whole House on the bill to prohibit the importation of slaves into the United States.

Mr. SLOAN moved to strike out the fourth section, with the view of introducing a section to the following effect: That all slaves imported into a State allowing slavery shall be declared free—for whom food and raiment shall be provided, until they shall be restored to freedom in their native land, or removed to States in which the laws are congenial to their freedom, where they shall be bound out for a term of years.

Only three members rising in favor of Mr. SLOAN's motion, it was disagreed to.

After further progress in the consideration of the report, the Committee rose, and it was postponed till Wednesday.

PUNISHMENT OF CERTAIN CRIMES.

The House resolved itself into a Committee of the Whole on the bill providing for the punishment of certain crimes against the United States.

In correspondence with the recommendation of the select committee, the third section (which gave rise to the debate on a former day) was stricken out.

Mr. EPPES moved to strike out the second section. He remarked that, in the first section, certain offences were enumerated—such as the "beginning, or setting on foot, or the providing or preparing the means for any military expedition or enterprise, with intent of taking possession of any fort, arsenal, magazine, dock, navy yard, or any public vessel of the United States; or of invading or occupying with an armed force, any part of the United States, or the territories thereof; or with intent, in any other manner, of levying war against the United States, or of adhering to the enemies of the said States; or with intent, as aforesaid, combining or conspiring together, or counselling, advising, or attempting to set on foot, provide, or prepare the means for any such military expedition or enterprise, or to procure any such military expedition or enterprise, or to procure any insurrection, unlawful assembly, or combination for such purpose."

Under the words of the second section, it is provided, "That, the trial of these offences may be had in any of the districts or territories where any of the acts constituting the offence shall be committed, and all the act constituting the offence, may be brought in evidence on such trial, in whatever part of the United States, or the territories thereof, they may have been committed."

Now, suppose, under this act, a certain set of men shall form a conspiracy in Washington, shall counsel or attempt to set it on foot in Kentucky, shall prepare the means for its execution in Indiana, and shall procure an insurrection in the Orleans Territory. Under this section, a man may be seized in Orleans and tried in Washington. If the section was susceptible of this construction, it ought to be struck out. If it were not liable to this construction, the words ought to be so modified as to render the meaning more explicit. One of the most valuable privileges secured by the Constitution, was the trial by a jury of the vicinage. Were this provision retained, it would be in the power of the Government to oppress and ruin any man charged with the offences enumerated in the act. It would be easy for it to go into distant territories, and hunt up circumstances on which to found criminal charges; but, how was it possible for the individual accused to collect information to repel them?

Mr. Dawson said the construction given by his colleague to this section was the true one; but, that without the power given by this section, it would be impossible to punish the crimes enumerated in the bill. A man may set such a project going in Pennyslvania, and then remove to a distance, and thus commit one act in one State, and one in another. Was it not right and just that he should be brought before a court where the whole of these acts could be considered? The provision was by no means new. It would be seen, by examination of laws relative to the Post Office Department, that it had been long since adopted by the United States.

Mr. Bidwell said he understood the ideas of the gentleman from Virginia as going much farther than the bill warranted. The first section specified certain acts, either of which were punishable, and not all of them collectively. Several of these offences were complex in their nature—for instance, a combination or conspiracy, consisting of acts, a part of which might be committed in one State, and part in another. The circumstances whose union was requisite to form a conspiracy, often took place in several counties in the same State—in which case, the principle adopted in every State made the crime triable in either county; otherwise, it would be impracticable to take into consideration the nature of the offences which constitute the crime for which the individual was charged. The case was the same in the present instance. Some part of the offence may be committed in one State, and some part of it in another. These offences might either be considered separately, and then a man would be exposed to more than one trial, or collectively, as constituting one offence, in which case there would be but one trial. For instance, one offence may be in part committed in Ohio, and part in Kentucky. Unless this offence was tried in a collective view, it would be impossible to take a full view of the whole evidence, or to punish the crime agreeably to the aggravation of the offence. Mr. B. concluded, by observing that they were only in this bill declaring, in relation to the different districts of the United States, what, agreeably to the common law, took place in the different counties of the same State; and that this provision, so far from being reprehensible, appeared to him essential to the bill.

Mr. Eppes said he believed there were no occasions on which legislative bodies ought to proceed with so much caution, as when they were about to make any changes in the criminal code. It too often happened, when they passed a law for a particular occasion, that they lost sight of the rights of the citizen, and established a dangerous precedent. It was his wish, always, to legislate on general principles, and not for particular occasions; and that they should confine themselves to the passage of such laws as might be safely administered, at all times, as the laws of the land. The gentleman from Massachusetts has confined his observations to the latter part of the objections he had made to the section, viz: the testimony to be adduced. But he would ask whether, as a candid man, he could obviate the first objection he had made? If a man committed different acts in fifty different sections of the Union, he might, under this provision, be taken in any one of them, and be tried and punished where it would be impossible for him to get testimony, and where he would be borne down by the arm of power. The language of the section is: "The trial may 'be had in any of the districts, where any of the 'acts constituting the offence have been committed." What are these acts? The first, is the beginning or setting on foot a military expedition. This is one distinct act. The forming a conspiracy or combination. This is another act. And so of any other acts recited in the bill, under which a man may be seized, and dragged here for trial, provided any one of the offences was committed here, though all the rest were committed elsewhere.

Mr. E. said he had another objection to this provision. It gave the officers a right to seize a man, and try him in that district most prejudiced against him. In one district he may be very odious, in another highly popular. He believed this was very much the case at present. Would this be fair? If gentlemen are disposed to act properly, let the offence be tried in the district where it is committed. Let them adhere to the principles of the Constitution.

Mr. E. said, that gentlemen might have an opportunity of turning their attention to the subject, he would move that the Committee should rise.

Mr. Bidwell said, before the question was taken on the rising of the Committee, he wished for a moment to examine the nature of the objection offered by the gentleman from Virginia. The enumeration in the first section explained the different offences, and classes of offences, each of which made a different offence. The second section did not say one offence, committed in one place, should be tried in another. It is only in case of a combination of offences that this is to take place. The gentleman says, part of a conspiracy may take place in Kentucky, and part in another district. You must either then unite these offences, or render a person punishable for every part or circumstance, which collectively are made to constitute an entire whole. The having but one trial is for the benefit of the defendant, by which he is saved from the necessity of undergoing several trials in different districts and for different offences. The Constitution, it is true, provides that the trial shall be in the district in which the offence is committed; but if the offence be not committed in a particular district, Congress may fix the place where the trial shall be had. Mr. B. said it appeared to him that the true spirit of the Constitution was pursued by this law, which provides that a man may be tried in either district where any part of the offence is committed; and that when so tried there shall be a bar in any other trial for the same offence. So far from introducing a new principle, Mr. B. was of the opinion that the same course would be pursued without any special provision, which however was desirable, as making the point explicit, and placing it beyond all doubt. He said he had no other objection to the Committee rising, than that arising from delay. The sooner the bill was passed the better; for although it could not operate on past offences, if passed in season, it might perhaps operate on acts which might take place after its passage.

Mr. Smilie said the provision in the bill had been so well explained by the gentleman from Massachusetts that he was surprised how any doubt could be entertained respecting it. It was well known that in case of treason a man might commit an act in one State, and a different act in another State. Was he in this case to be tried twice for the same offence? This would be unconstitutional. So in this case a conspiracy might be composed of various acts committed in different States. Would gentlemen be for trying the man accused of a conspiracy in different States, and for every act committed by him? Surely not.

Mr. Eppes said he would call the attention of the Committee to two clauses of the Constitution.

> "The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed."

> "In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed."

Mr. N. Williams said he apprehended, though he was sorry to make the observation, that the honorable gentleman from Virginia who objected to the second section of the bill, did not correctly understand it. That, according to his own understanding, the section did not contemplate the trial of distinct offences in any district or territory in which the offence should not have been committed. The words of the section are, "that the trial of the above offences may be had in any of the districts, where any of the acts constituting the offence shall have been committed," &c. By this it clearly appeared, that when the offence to be tried was made up of various acts, some of which were committed in one district and some in another, the offence might be tried in either of these districts.

Mr. W. said he should vote against the postponement, as he did not see the least difficulty in the case. The bill contained no new principle—none that was not known and applied in cases of treason, familiar to every one, and in cases of larceny, in which it was every day's practice to prosecute an offender in any county where the goods were found upon him, although stolen in another county. He said the bill appeared to him highly important, and he was sorry to discover a disposition in the House to delay the business under discussion.

Mr. Alston did not agree with the gentleman last up. On the contrary, he considered this section as exceptionable. What does it say? That you may try a man in one of the districts where he may have committed an offence. This was putting a power into the hands of the prosecutor to harass the accused beyond that which the Constitution even contemplated. He thought the section might be so worded as to obviate the objections that had been raised.

Mr. Eppes said it was very possible, as stated by the gentleman from New York, that he did not understand the section correctly, as he did not pretend to his high genius. His strongest objection to the section was that it gave the prosecutor a right to try the offence in the place where the strongest prejudice might exist against the accused. Mr. Eppes here recapitulated his first remarks, and added that, according to the second section, a man could be tried for any of the offences enumerated in the first section, in any one of the districts of the United States, provided any of those acts shall have been committed in it. He would ask whether this would not be a violation of the Constitution, which guarantied a jury of the vicinage to the accused? He would ask how a man could be tried here by an impartial jury collected from New Orleans, Kentucky, and Indiana?

Mr. Jackson said that the section, according to the construction given it by his colleague, was highly objectionable, and stared the Constitution in the face, and ought not to receive the patronage of the House. He, however, believed that the object of his colleague, as well as the friends of the bill, might be effected by taking a middle course; by confining the trial of the accused to the district in which he shall be arrested. This would preclude the possibility of an individual being transported for trial from one place to another, and his being thus dragged to a place where the rage of implacable passions may condemn him though innocent. If some such amendment were not made Mr. J. said he should vote for striking out the section; and if the section should neither be amended or stricken out, he should vote against the bill.

Mr. Sloan said that while they were so jealous of the rights of the citizens, it became them not to be indifferent to the safety of the community. He apprehended that the intention of this law was to nip in the bud plans that were treasonable and destructive of the peace of the United States. The provision contained in the second section appeared to him highly necessary to guard the rights of the community.

Mr. Dawson said it was the opinion of the committee that introduced the bill, that a man must be tried in the district where he was apprehended, and this, he considered as the true construction. He did not think that a man could be transported from one district to another. Indeed he was at a loss to know under what legal authority this could be done. He believed this the fair construction of the law; but if gentlemen wished to make its language more explicit, he had no objection to an amendment to that effect.

Mr. G. W. Campbell observed that the section might be so modified as to make it correspond with the ideas of both sides of the House. It was essential to fix some place for the trial of crimes, which should be partly committed in one State and partly in another. It was material to determine in which State the crime should be tried, which circumstances ought not to be left to the option of the prosecutor or the Government. If the bill was so amended, it would answer every valuable purpose for which it was framed. He therefore proposed, in case the Committee did not rise, to offer an amendment to the second section, providing that the trial should take place in the district "in which the defendant shall be arrested, or into which he shall be first brought."

Mr. Eppes withdrew his motion for the rising of the Committee, when the question was taken on his motion to strike out the second section, which was disagreed to—yeas 21.

Mr. G. W. Campbell then offered his amendment.

Mr. Jackson said it did not remove his objections to the section. Suppose a man were apprehended in a place where the offence with which he is accused was not committed. Would it not be competent under this provision to carry him to a place where he might be the victim of the most implacable feelings?

Mr. G. W. Campbell replied that the provision embraced such cases, and that the effect apprehended by the gentleman would not follow.

On motion of Mr. Smilie, the Committee rose, without coming to a decision on the amendment when the House adjourned.

Tuesday, January 6.

Mr. Southard, from the committee appointed on the second instant, presented a bill authorizing the President to lease the public ground in the City of Washington; which was read twice and committed to a Committee of the Whole to-morrow.

On motion of Mr. Parke,

Ordered, That the Committee on the Public Lands be instructed to inquire into the expediency of establishing an office for the sale of the lands of the United States west of the Greenville Treaty boundary line, and east of the Vincennes and Delaware purchases; and that they report by bill or otherwise.

An engrossed bill authorizing the discharge of William Hearn from his imprisonment, was read the third time and passed.

Mr. Early, from the Committee of Commerce and Manufactures, who were directed by a resolution of the House, of the sixteenth ultimo, "to inquire into the expediency of making provision for a survey of the coasts of the United States," presented a bill to provide for surveying the coasts of the United States; which was read twice and committed to a Committee of the Whole on Monday next.

Mr. Clinton presented to the House a petition of Peter Landais, of the State of New York, which was received and read, praying that his claim against the United States for a share of prize money, in three vessels captured by him while commander of the frigate Alliance, during the late war with Great Britain, may be examined and finally settled.—Referred to the Committee of Claims.

CLAIM OF GEORGE LITTLE.

A bill for the relief of George Little was read the third time.

The bill makes provision for a claim preferred by Captain Little, commander of a ship of the United States, arising out of the following circumstances. During our differences with France, a law was passed inhibiting commercial intercourse with France. Under this law, and the orders given by the Executive Government, Captain Little captured the Flying Fish, which, on an adjudication by the courts of the United States, was restored as an illegal prize and damages awarded against Captain Little, who claims an indemnity from the Government, on the ground of having in the capture executed the orders given him by the Secretary of the Navy.

Messrs. Holmes, Tallmadge, Cook, Dana, Hastings, Quincy, and Alexander, advocated; and Messrs. Smilie, Gregg, Chandler, Bedinger, and Fisk, opposed the passage of the bill, when the question was taken by yeas and nays, and the bill passed—yeas 70, nays 51, as follows:

Yeas—Evan Alexander, Willis Alston, jr., Joseph Barker, Burwell Bassett, Silas Betton, James M. Broom, John Boyle, William Butler, John Campbell, Martin Chittenden, John Claiborne, George Clinton, jun., Orchard Cook, Richard Cutts, Samuel W. Dana, John Davenport, jr., John Dawson, William Dickson, Theodore Dwight, Peter Early, James Elliot, Caleb Ellis, William Ely, John Fowler, Seth Hastings, William Helms, David Holmes, David Hough, John G. Jackson, Nehemiah Knight, Joseph Lewis, jr., Henry W. Livingston, Edward Lloyd, Duncan MacFarland, Robert Marion, William M'Creery, Nicholas R. Moore, Jeremiah Morrow, Jonathan O. Mosely, Gurdon S. Mumford, Jeremiah Nelson, Thomas Newton, jr., Timothy Pitkin, jr., Josiah Quincy, John Russell, Peter Sailly, Martin G. Schuneman, Dennis Smelt, John Smith, Richard Stanford, Joseph Stanton, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, David Thomas, Philip R. Thompson, Thomas W. Thompson, Uri Tracy, Abram Trigg, Philip Van Cortlandt, Killian K. Van Rensselaer, Daniel C. Verplanck, Peleg Wadsworth, Eliphalet Wickes, Marmaduke Williams, Nathan Williams, Alexander Wilson, and Thomas Wynns.

Nays—Isaac Anderson, John Archer, David Bard, George M. Bedinger, Barnabas Bidwell, Phanuel Bishop John Blake, jr., Thomas Blount, Robert Brown, William A. Burwell, Levi Casey, John Chandler, Matthew Clay, John Clopton, Frederick Conrad, Leonard Covington, Ezra Darby, Elias Earle, Ebenezer Elmer, John W. Eppes, William Findley, James Fisk, Edwin Gray, Andrew Gregg, Isaiah L. Green, John Hamilton, James Holland, Thomas Kenan, John Lambert, Patrick Magruder, Josiah Masters, David Meriwether, Thomas Moore, John Morrow, Roger Nelson, Gideon Olin, John Porter, John Pugh, John Rhea of Tennessee, Thomas Sammons, Thomas Sandford, Ebenezer Seaver, James Sloan, John Smilie, Samuel Smith, Henry Southard, Joseph B. Varnum, John Whitehill, Robert Whitehill, David R. Williams, and Joseph Winston.

The SPEAKER laid before the House a communication from the Postmaster General, stating the respective sums paid to his clerks, which was referred to the Post Office Committee.

Mr. STANTON, from the Committee on Claims barred by statutes of limitation, made a report, recommending that all just and equitable claims for services rendered, or supplies furnished during the Revolutionary war with Great Britain, &c., now barred, ought to be provided for by law.

Referred to the Committee of the Whole on Thursday.

PUNISHMENT OF CERTAIN CRIMES.

Mr. EARLY called for the order of the day on the bill providing for the punishment of certain crimes against the United States.

Mr. EPPES moved to recommit the bill to a select committee. He said he trusted the bill in its present shape would not pass. The object contemplated by it, was to give the same powers to prevent or punish an expedition against the United States that was already provided in the case of the expedition against a foreign Power. This would be found by consulting the Message of the President delivered at the commencement of the session. The President observes: "Where an 'enterprise is meditated by private individuals. 'against a foreign nation, in amity with the United 'States, powers of prevention, to a certain extent, 'are given by the laws. Would they not be as rea'sonable, and useful, where the enterprise prepar'ing is against the United States?"

This is the recommendation of the President—this is the provision deemed necessary by him. Let us compare it with the provisions of the existing law. In the 3d volume of the laws of the United States, 5th section, we find the following provision:

> "That if any person shall, within the jurisdiction of the United States, begin or set on foot, or provide or prepare the means for any military expedition or enterprise to be carried on from thence against the territory of any foreign Prince or State with whom the United States are at peace, every such person so offending, shall, upon conviction, be adjudged guilty of a high misdemeanor, and shall suffer fine and imprisonment at the discretion of the court in which conviction shall be had, so as that such fine shall not exceed three thousand dollars, nor the term of imprisonment be more than three years."

This is the provision at present in force in respect to an enterprise against a foreign nation. But in addition to this the committee are for giving the following power. Mr. E. here read the first section of the bill under consideration, as follows:

> "*Be it enacted,* That if any person or persons shall, within the territory or jurisdiction of the United States, begin or set on foot, or provide or prepare the means for any military expedition or enterprise, with intention of taking possession of any fort, arsenal, magazine, dock, navy yard, or any public vessel of the United States, or of invading or occupying with an armed force any part of the United States or the territories thereof, or with intent, in any other manner, of levying war against the United States, or of adhering to the enemies of the said States, or who, with intent, as aforesaid, shall combine or conspire together, or shall counsel, advise, or attempt to set on foot, provide, or prepare the means for any such military expedition or enterprise, or to procure any insurrection, unlawful assembly, or combination, for such purpose, although such expedition or enterprise shall not be carried into effect, and whether such conspiracy, counsel, advice, or attempt, shall have the proposed effect or not; every such person or persons so offending, shall, upon conviction, be adjudged guilty of a high misdemeanor, and shall suffer fine and imprisonment, at the discretion of the court in which the conviction shall be had, so as that such fine shall not exceed —— thousand dollars, or be less than —— dollars, nor the term of imprisonment be more than —— years, or less than —— years; and further, at the discretion of the court, be holden to find sureties for his or their good behaviour, in such sum, and for such term, as the said court may direct; *Provided always,* That nothing herein contained, shall be construed so as to prevent the trial and punishment of any person or persons guilty of treason, murder, or any other offence punishable by any law or laws of the United States."

Mr. EPPES said the objection he had to the bill was this: it introduced a description of offences which could not be defined, or reduced to any known standard. What was a combination or conspiracy, but just what a court may please to make it? He had another objection. In the first section the committee who reported the bill had adopted the very words of a statute which had ever been considered odious and oppressive, and which he never wished again to see adopted in whole or in part. He alluded to the memorable sedition act. And that gentlemen might see the affinity of this bill to it, he would call the attention of the House to its first section, which was as follows:

> "*Be it enacted,* That if any person shall unlawfully combine or conspire together, with intent to oppose any measure or measures of the Government of the United States, which are or shall be directed by proper authority, to impede the operation of any laws of the United States, or to intimidate or prevent any person holding a place or office in or under the Government of the United States, from undertaking, performing, or executing his trust or duty; and if any person or persons, with intent as aforesaid, shall consult, advise, or attempt to procure any insurrection, riot, unlawful assembly, or combination, whether such conspiracy, threatening, counsel, advice, or attempt, shall have the proposed effect or not, he or they shall be deemed guilty of a high misdemeanor, and on conviction, before any court of the United States having jurisdiction thereof, shall be punished by a fine not exceeding five thousand dollars, and by imprisonment during a term not less than six months, nor exceeding five years; and further, at the discretion of the court, may be holden to find sureties for his or their good behaviour in such sum, and for such time, as the said court may direct."

Here then we have the very offences designated in that statute, a combination and conspiracy; and all that is necessary to make this act precisely the same with the sedition bill, is to introduce the words, navy yard and arsenals.

Mr. **Eppes** said these were his objections to the first section. He had yesterday fully explained his objections to the second section; and although some attempt had been made to obviate them, he believed it would be impossible in a Committee of the Whole so to arrange the wording of the section as to prevent an interference of its provisions with the principles of the Constitution.

He had another ground for recommitting the bill—the entire omission of what he conceived an important provision. He would again recur to the passage. "While adverting to this branch of law, 'it is proper to observe that in enterprises meditated against foreign nations, the ordinary process 'of binding to the observance of the peace and 'good behaviour, could it be extended to acts to 'be done out of the jurisdiction of the United 'States, would be effectual in some cases, where 'the offender is able to keep out of sight every indication of his purpose which could draw on him 'the exercise of the powers now given by law."

He believed this a valuable provision, and one which might be so framed as not to infringe the rights of the citizen. If indeed the provisions of the bill were made conformable to those of the act providing against expeditions against foreign Powers, it would in his opinion suffice. That act constituted such offence a high misdemeanor, gave to the Executive the power to use the armed force for the purpose of its suppression, and authorized the binding over to good behaviour. For these reasons he hoped the motion to postpone the bill would be rejected, that the Committee of the Whole would be discharged from its further consideration, and that it would be referred to a select commitee.

The question was then taken on postponing the bill till to-morrow, which was disagreed to—ayes 44, noes 61.

Mr. **Eppes** then offered his motion to discharge the Committee of the Whole from the further consideration of the bill.

Mr. **Dawson** said he was at a loss to know what advantages would result from such a course of procedure, unless the bill should be recommitted to a different committee from that which introduced it. It had been already recommitted; and the committee to whom it had been recommitted had reported it unanimously. As an answer to some of the objections of his colleague, he would observe that the committee, in reporting this bill, had only reported in part; and that they had it in contemplation to make the provision he had alluded to in a special bill. He did not consider it the duty of a committee to draught a bill in precise conformity to the ideas of the President, but in correspondence with their own sentiments. As to the objection that the bill was similar to the first section of the Sedition act, Mr. D. observed that if his colleague had been in the House when that bill was passed, he would have known that the section read by him had not been objected to by any one, and that it was only the second section which had been opposed. He hoped, if the bill were recommitted, it would be sent to some other committee than the one which had introduced it.

The question was then put on discharging the Committee of the Whole from the further consideration of the bill, and passed in the negative—ayes 50, noes 50, the **Speaker** declaring himself in the negative.

Wednesday, January 7.

Mr. J. **Randolph**, from the Committee of Ways and Means, to whom was referred, on the third ultimo, so much of the President's Message as relates "to a suppression of the duties on salt, to a continuation of the Mediterranean fund, and to the state of our revenues," presented a bill repealing the acts laying duties on salt, and continuing in force, for a further time, the first section of the act, entitled "An act further to protect the commerce and seamen of the United States against the Barbary Powers;" which was read twice, and committed to a Committee of the Whole on Friday next.

Mr. J. **Randolph**, from the committee appointed on the twenty-fourth ultimo, presented a bill authorizing the President of the United States to accept the service of a number of volunteer companies, not exceeding thirty thousand men; which was read twice, and committed to a Committee of the Whole on Monday next.

IMPORTATION OF SLAVES.

The House resumed the consideration of the report of the Committee of the Whole on the bill to prohibit the importation or bringing of slaves into the United States after the 31st of December, 1807.

Mr. **Early**, after some preliminary remarks, offered the following amendment: "In all actions, suits, or informations, which shall be brought under the 3d, 4th and 5th sections of this act, the burden of proof shall lie on the claimant, or party sued or prosecuted, where probable cause is shown for the seizure or prosecution, to be judged of by the court before whom the seizure or prosecution shall be tried."

After a few remarks from different members, this amendment was agreed to.

A motion was then made by Mr. **Bidwell**, further to amend the third section of the said bill, in the following paragraph, to wit: "and such ship or vessel, if brought into any port or place within a State or Territory, the Constitution and laws of which permit slavery, shall, together with her cargo, tackle, apparel, and furniture, be forfeited," by striking out from the said paragraph, the word "cargo."

The yeas and nays were called on the amendment, and were—yeas 39, nays 77, as follows:

Yeas—John Archer, David Bard, George M. Bedinger, Silas Betton, Barnabas Bidwell, John Blake, jr., James M. Broom, Robert Brown, John Chandler, Samuel W. Dana, Ezra Darby, Theodore Dwight, James Elliot, William Ely, William Findley, James Fisk, Isaiah L. Green, John Hamilton, Seth Hastings, William Helms, Nehemiah Knight, John Lambert, Edward Lloyd, John Morrow, Jonathan O. Mosely, Jeremiah Nelson, Gideon Olin, Timothy Pitkin, jr., John Porter, John Pugh, Thomas Sammons, Ebenezer Seaver, James Sloan, John Smilie, Joseph Stanton, Lewis B. Sturges, Benjamin Tallmadge, Thomas W. Thompson, and Joseph B. Varnum.

NAYS—Evan Alexander, Willis Alston, jr., Isaac Anderson, Burwell Bassett, Thomas Blount, John Boyle, William A. Burwell, William Butler, George W. Campbell, John Campbell, Levi Casey, Martin Chittenden, John Claiborne, Joseph Clay, Mathew Clay, John Clopton, Frederick Conrad, Leonard Covington, John Davenport, jr., Elias Earle, Peter Early, Caleb Ellis, Ebenezer Elmer, John Fowler, Charles Goldsborough, Edwin Gray, Andrew Gregg, Silas Halsey, James Holland, David Holmes, Thomas Kenan, Henry W. Livingston, Duncan McFarland, Patrick Magruder, Robert Marion, Josiah Masters, William McCreery, David Meriwether, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, Gurdon S. Mumford, Roger Nelson, Thomas Newton, jr., Josiah Quincy, John Randolph, John Rea, of Pennsylvania, John Rhea of Tennessee, Jacob Richards, John Russell, Peter Sailly, Thomas Sandford, Martin G. Schuneman, Dennis Smelt, John Smith, Samuel Smith, Henry Southard, Richard Stanford, William Stedman, Samuel Tenney, David Thomas, Philip R. Thompson, Uri Tracy, Abram Trigg, Philip Van Cortlandt, Killian K. Van Rensselaer, Daniel C. Verplanck, Peleg Wadsworth, John Whitehill, Robert Whitehill, Eliphalet Wickes, David R. Williams, Marmaduke Williams, Nathan Williams, Alexander Winston, and Thomas Wynns.

Mr. BIDWELL moved to add a proviso to the end of the 7th section, of the following tenor:

"*Provided*, That no person shall be sold as a slave by virtue of this act."

Messrs. BARKER, FINDLEY, QUINCY, VARNUM, SMILIE, CONRAD, SLOAN, CHANDLER, BIDWELL, BEDINGER, SOUTHARD, and FISK, supported; and Messrs. J. CLAY, ALSTON, and EARLY, opposed the amendment.

The advocates of the amendment observed that they could never agree to sanction the existing provisions of the bill, which authorized the sale of persons of color imported into the United States; that while they respected the sentiments and feelings of the people of the Southern States, so far as to be opposed to adopting any course which would be injurious to them, they claimed an equal respect for the sentiments and feelings of their constituents, which were so repugnant to slavery that no consideration whatever could induce them to give it their sanction; that nothing could be more abhorrent to their feelings than the legal authorization of the sale of persons as slaves, and the drawing money into the public Treasury from such sale; that indeed, such a provision, so far from inhibiting the trade, would in a measure tend to its encouragement; that as the bill stood, without the proposed provision, persons forfeited would be sold under the authority of the United States, a title be given to the purchaser by the United States, and the sale be for the benefit of the United States. The object of the provision was to prevent this. Its advocates declared that they did not mean by it in the least to interfere with the existing laws of the State on the subject, to turn persons of color imported loose on the States where slavery was permitted. Should the present provision be adopted, it might become necessary to recommit the bill to a select committee, for the purpose of introducing into its details, a provision for the disposition of the persons who may become forfeited to the United States; that this might be done by binding them out for terms of years, or transporting them to a foreign country; and that if forfeited in States where slavery was allowed, provision might be made for their removal to States where different laws existed. The power of the General Government might not, it was admitted, be competent to their liberation in the former States; but becoming, by their forfeiture, the property of the United States, they would possess the right of removing them to those States with whose laws there would be no interference.

The opponents of the amendment contended that the plan contained in the bill was the only effectual and practicable one that could be devised for preventing the importation of persons of color; that their forfeiture to and sale by the United States was an essential provision, as, without it, no person would be found to give information of the infraction of the act; and that without such information the act would be a dead letter, as in the indirect trade with the adjacent provinces of European Powers it would be altogether impossible to render the vessel or master importing them liable to be seized, from the inability of reaching them.

They also contended that Congress did not possess the right to say that persons of color brought into the Southern States should not be sold as slaves, because as soon as they become the property of the United States by their forfeiture, the United States, in character of owner, became equally subject with an individual to those laws, which in several of the States directed their sale as slaves as soon as introduced into them; with which laws consequently the proposed provision directly interfered. They said they were also opposed to the amendment, because the principle on which it was advocated went to affect nine-tenths of the property of the Southern States, and might in its effects strike at all the property held in slaves; that consequently it became their duty to resist it. The friends of the amendment claimed an equal respect to their feelings; but this declaration came with a bad grace from those who on a former occasion had supported a motion to turn these people loose in a state of freedom in the Southern country.

This was disavowed by Messrs SMILIE and SLOAN.

The question was taken on the amendment by yeas and nays, which were—yeas 60, nays 60. The SPEAKER having declared himself in the negative, the amendment was lost. The yeas and nays were as follows:

Yeas—Isaac Anderson, John Archer, David Bard, Joseph Barker, George M. Bedinger, Silas Betton, Barnabas Bidwell, Phanuel Bishop, John Blake, jr., James M. Broom, Robert Brown, John Chandler, Frederick Conrad, Orchard Cook, Richard Cutts, Samuel W. Dana, Ezra Darby, John Davenport, jr., Theodore Dwight, James Elliot, Caleb Ellis, William Ely, Wm. Findley, James Fisk, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, Seth Hastings, Nehemiah Knight, John Lambert, Jeremiah Morrow, John Morrow, Jonathan O. Mosely, Jeremiah Nelson, Gideon Olin, Timothy Pitkin, jr., John Porter, John Pugh, Josiah Quincy, John Rea of Pennsylvania, Jacob Richards, Peter Sailly, Thomas Sammons, Ebenezer Seaver, James Sloan, John Smilie, Samuel Smith, Henry Southard, Joseph Stanton, Lewis B. Sturges, Benjamin Tallmadge, David Thomas, Thomas W. Thompson, Joseph B. Varnum, John Whitehill, Robert Whitehill, Marmaduke Williams, Nathan Williams, and Joseph Winston.

Nays—Evan Alexander, Willis Alston, jr., Burwell Bassett, Thomas Blount, John Boyle, William A. Burwell, William Butler, George W. Campbell, John Campbell, Levi Casey, John Claiborne, Joseph Clay, Matthew Clay, John Clopton, Leonard Covington, William Dickson, Elias Earle, Peter Early, John Fowler, Charles Goldsborough, Edwin Gray, Jas. Holland, David Holmes, Walter Jones, Thomas Kenan, Joseph Lewis, jr., Henry W. Livingston, Edward Lloyd, Duncan McFarland, Patrick Magruder, Robert Marion, Josiah Masters, William McCreery, David Meriwether, Nicholas R. Moore, Thomas Moore, Gurdon S. Mumford, Roger Nelson, Thomas Newton, jr., John Randolph, John Rhea of Tennessee, John Russell, Thomas Sanford, Martin G. Schuneman, Dennis Smelt, John Smith, Richard Stanford, Samuel Tenney, Philip R. Thompson, Uri Tracy, Abram Trigg, Philip Van Cortlandt, Killian K. Van Rensselaer, Daniel C. Verplanck, Peleg Wadsworth, Matthew Walton, Eliphalet Wickes, David R. Williams, Alexander Wilson, and Thomas Wynns.

On motion of Mr. Pitkin, the authority given the Secretary of the Treasury to remit fines and forfeiture was struck out—yeas 74.

Several other amendments were made in the details of the bill, when it was ordered to be engrossed for a third reading to-morrow—yeas 74.

Thursday, January 8.

Ordered, That the Message of the President of the United States, of the fifth instant, transmitting a copy of the laws of the Territory of Michigan, together with the said laws, be referred to Messrs. J. Clay, McCreery, Mumford, Quincy, and Walton.

PUBLIC DEBT.

Mr. Elliot offered the following resolution:

Resolved, That the Secretary of the Treasury be directed to lay before the House of Representatives a statement of the amount of the debt of the United States on the 1st day of April, in the year 1801, and on the 1st day of January in each year since that period *respectively*, distinguishing the respective amounts of foreign and domestic debt, and of each species of those descriptions of the debt, and exhibiting distinct statements of the quarterly as well as annual payments, so far as the same may be practicable.

Mr. Elliot said that, in making this motion, he had two objects, which he would distinctly state to the House: one of which he deemed of considerable importance, and the other of minor consideration. The first and great object was to obtain an analysis of that part of the report of the Secretary of the Treasury of the 5th of December last, which presents a general statement of the payments on account of the principal of the public debt from the 1st of April, 1801, to the 30th September, 1806, referring to a statement in the appendix to that report, marked D, and of that statement itself, to resolve, as it were, these important documents into their original elements, and present to the public eye one concise and comprehensive view of the whole of the payments that have been made on account of the national debt since April 1, 1801. It is well known that the voluminous reports of the Secretary of the Treasury on financial subjects are not generally read, or, if cursorily perused, are not studied and understood by the people at large. Few possess sufficient time which they are able to devote to this purpose, and dry mathematical calculations possess few charms to attract the attention of those who glance over the periodical publications of the day, for the purpose either of amusement or general political information. It is in vain to attempt to conceal the fact, that, upon the great subjects of the national debt, and of the revenues and finances of the country generally, a degree of ignorance prevails which cannot but be the subject of great regret to all who wish for the general diffusion of correct information on all matters of national concern. It must be remarked, also, that the annual reports of the Secretary of the Treasury, prepared in obedience to the act, entitled "An act to establish the Treasury Department," although extremely useful for the purposes of legislation, are ill calculated for the purposes of universal information. To common readers, the simple lustre of a statement of the debt and revenue at a particular period is lost in the splendor of retrospective and prospective calculations by which it is surrounded. It becomes desirable, therefore, to obtain a general statement of the public debt, and of the payments which have been made, which may be comprised in a half sheet of paper, and will require no new calculations, as it will in fact be but a mere abstract of the voluminous documents now in existence.

The secondary object to which he had alluded, Mr. E. said, was the acquisition of information to enable the House to correct a considerable, though undoubtedly accidental error into which the Secretary of the Treasury appears to have fallen in his last annual report. And it is to this object that I wish to apply the information contemplated in the closing member of the resolution, which requires quarterly as well as annual statements of payments, so far as the same may be practicable. We have two distinct statements of the amount of the public debt at a certain period, which appear to vary from each other. In the statement marked F, in the appendix to the report, which is the letter of the Secretary of the Treasury to the

Chairman of the Committee of Ways and Means, of January 20, 1806, on the subject of a conversion of the old six per cent. deferred and three per cent stock into a new six per cent. stock, the total amount of the public debt on 1st January, 1806, is stated at $72,744,700. It is true that the unredeemed amount of the old six per cent. and deferred stocks, and the nominal amount of the three per cent. stock, are stated "in round numbers." What is meant by these *round numbers* is one of those things which I wish to ascertain; they may possibly account for the variance which I am about to state, but I suspect they will not. In the present report, page 4, the Secretary states the payments to be made during 1807 and 1808 (principal and interest) at $16,756,153 58, and the debt which will remain unpaid on the 1st January, 1809, at $57,491,838 77. By statement D, it appears that the amount of principal of the debt,

redeemed from 1st October, 1805, to 30th September, 1806, was	$3,247,113 06
And the further payments to be made during the last quarter of 1806 (see page 3 of the report)	2,849,389 19
Making	6,096,502 25

The amount of payments of principal for the five quarters from 1st October, 1805, to 31st December, 1806.

We have at present no means of ascertaining what proportion of this sum of six millions of dollars was redeemed in the last quarter of 1805. If we take the average of the four quarters ending September 30, 1806, as the base of a calculation, we shall have the following general result:

Amount of debt 1st January, as above	$72,744,700 00
Principal paid in 1806	5,280,002 25
Balance	67,464,697 75
Principal to be paid in 1807 and 1808	9,714,358 25
	57,750,339 50
From which deduct the sum stated by the Secretary as the amount of the debt which will remain unpaid on the 1st January, 1809	57,491,838 77
The difference is	258,500 73

It is possible, indeed, that this variance may not amount to $150,000; and it is possible, also, that it may amount to 600,000 or 700,000 dollars. If the information aimed at by the proposed resolution be obtained, we shall be able to estimate it with perfect accuracy.

Mr. BURWELL said that he approved of the resolution, but wished it extended so as to obtain information of the relative state of the debt from the year 1791, and moved to amend it by inserting 1791 in lieu of 1801.

Mr. ELLIOT and Mr. J. CLAY suggested their indisposition to the amendment, on the ground of the delay it might occasion in acting on the bill before the House relative to the discharge of the debt.

Mr. BURWELL's amendment was agreed to—ayes 87.

On motion of Mr. ALSTON the resolution was further amended, so as only to require quarterly statements from April 1801.

On motion of Mr. JOSEPH CLAY it was further amended, by adding after "respectively," "on the first day of April, 1801."

So amended, the resolution was agreed to.

IMPORTATION OF SLAVES.

The bill to prohibit the importation of slaves into the United States was read a third time.

Mr. BEDINGER moved to recommit the bill to a select committee.

The recommitment was advocated by Messrs. SLOAN, BIDWELL, FINDLEY, QUINCY, ELY, SMILIE, J. CLAY, GREGG, BEDINGER, and ALEXANDER, and opposed by Messrs. EARLY, HOLLAND, and MASTERS.

The advocates of a recommitment observed, that the bill in its present shape was such as they could never agree to, and that if a modification of it were successfully resisted, they would be compelled, however reluctantly, to give it their negative. They flattered themselves, however, that a spirit of harmony and accommodation, of which so illustrious an example had been set by the framers of the Constitution, would induce the friends of the bill to allow its modification in such a way as to reconcile its provisions to the sentiments entertained in the Eastern section of the Union, by which means it would go forth with the sanction either of the whole House, or of a great majority, and be thereby more likely to prove operative and effectual than if passed by a small majority.

They declared that they never could agree to that feature of the bill, which authorized the sale of persons of color introduced into the United States as slaves. They were ready to acquiesce in the principle of a forfeiture of the person, inasmuch as it had been sanctioned by the vote of a large majority, and as it appeared to be so strenuously insisted on by the representatives of the Southern country. But while they yielded their individual opinions on this point, they expected a correspondent concession on the part of the representatives of the Southern States, which was, that persons thus introduced into the United States should be disposed of in such a way as to prevent their conversion into slaves, and so as to save the United States from the humiliation and disgrace of sanctioning a principle at which the strongest feelings of humanity, as well as the plainest dictates of reason, revolted.

They remarked that the bill had hitherto been in the hands of those who were devoted to its present features; and no fair opportunity had consequently been afforded those who entertained different views on the subject to devise a plan, and exhibit the necessary details, for such a disposition of these people as would at once prevent in the highest degree their importation, and save the General Government from the ignominy of sanctioning the principles of slavery. It was added that if the bill were recommitted to a committee of seventeen members, composed of a member from each State, it was probable that a plan would be devised that would be most likely, by combining the sentiments of the several States, to meet with general approbation in the legislative body, as well as throughout the whole Union. It was incidentally observed that it might, perhaps, be found a most efficient auxiliary to the bill, to allow a bounty on the conviction of every person who should infract its provisions.

With regard to the allegation that the power of Congress to act on this subject was exclusively derived from their authority to regulate trade, that doctrine was altogether denied. Such a doctrine, it was said, was of the most dangerous complexion, as it went to sanction the principle that it was lawful for Congress to deal in human beings as an article of commerce—a principle abhorrent to humanity, and at war with our fundamental institutions, for the establishment of which we had put everything that was dear or valuable to hazard. A reference to the Constitution would expose the fallacy of the ideas of gentlemen on this head. Among the powers delegated by that instrument to Congress, was the power to "define and punish offences against the law of nations." It was afterwards added "That the migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person." Before this act could go into effect, this last provision would, in point of time, expire, and the first provision would be reinstated in full efficacy, which unquestionably gave Congress a full power over the subject, independently of that derived from their right to regulate commerce.

In addition to these arguments for a recommitment, it was observed that the details of the bill were radically defective. On examining the revenue laws of the United States, in conformity to which the provisions of the bill were draughted, it would be seen that a moiety of the cargo forfeited went to the United States, and that the other moiety went to the custom-house officers in case there were no informers, and in case of an information, one-half of the moiety to the informer, and one-half to the custom-house officers; and that consequently in the last case but one-fourth of the proceeds of the cargo went to the informer. Just in proportion to the small inducement to the informer, would probably be the lax execution of the act, and it was suggested whether in the present case it would not be best to give the whole proceeds to the informer.

Another objection to the details of the bill was that, in correspondence with the principles of the revenue laws, only three years were allowed for preferring informations; while from the nature of the case, it would be found extremely difficult to discriminate newly imported slaves from those which had been a long time in the country.

Another objection was, that in the case of an information of an infraction of this act, the importer might at any time between seizure and condemnation come forward and give bond, and take the persons imported out of the hands of the United States, and, in case of condemnation, take them on an appraisement, which might, in a part of the Union disposed to favor the traffic, be greatly below their value, and thus operate as an inducement to the traffic.

Another objection to the bill was, that it made no provision for the maintenance of the slaves that may be seized between the period of seizure and sale. Would not the collector, in whose hands they fall, experience considerable difficulty from this circumstance, uncertain, as he would be, whether they would be eventually condemned, and, if they should not be, whether the United States would indemnify him for the cost of their support?

Should this bill be recommitted, it was hoped provisions might be adopted universally satisfactory. These might consist in directing that, after the forfeiture of the persons imported, in case they should be imported into a State whose laws inhibited the manumission of slaves, they should be transported to States in which there existed no inhibition, and be there bound out for a term of years, where, it was understood, their time for a period of ten years was worth from $200 to $300.

On the other hand, the opponents of the motion to recommit the bill observed that they had indulged the hope that the enemies of the principles contained in it, after the immense consumption of time in investigating the subject, after the patient attention bestowed by the House, and the Committee of the Whole, on everything which had been urged, would have contented themselves with recording their vote against it. But it seemed that they were not contented with pursuing this course, but claimed the formation of a law satisfactory to their own peculiar ideas on the subject. Not satisfied with its being framed conformably to the ideas of those among whom it was immediately to operate, and who were alone directly concerned in it, they wished it made conformable to their own sentiments. Was this fair, liberal, or generous? Gentlemen say they have certain principles from which they cannot swerve. Be it so. They have acted like freemen; have contended stoutly in support of those principles, and have recorded their votes against them. What more can they ask?

It was asked whether this bill, passing, as it was likely to do, by a bare majority, would have the salutary effect that was desirable? It was answered that it would, inasmuch as it would receive the unanimous, or nearly unanimous, sanction of those among whom it was principally, if not exclusively, to take effect.

Gentlemen who claimed respect for their own feelings, and the feelings of their constituents, should recollect that it was impossible, on their own principles, for those who differed on this subject so widely from them, to sacrifice to a spirit of conciliation their own sentiments, when they deemed them in the highest degree important. The difference of opinion did not only arise out of the details of the bill, but struck at its principle; they lay at the foundation of the subject. Without the provisions contained in the bill, those who represented the Southern country were sincerely of opinion that the traffic could not be stopped. Believing this, gentlemen asked too much when they required them to abandon a point so essentially important.

It was remarked that the suggestion of gentlemen to give the whole proceeds of a sale to the informer was inadvertent, as it would have a very different effect from that contemplated by its proposers, by presenting a strong temptation to the importer to make use of his friends in the shape of informers, for the purposes of collusion. Such a provision would not, therefore, answer any good purpose. They maintained, however, that the inducements to an information of the infractions of the act were ample. A thousand dollars penalty was attached to the seller and the buyer; and besides this the informer was to receive a part of the proceeds of such sales as might be made. It was asked if the inducements for information under the existing revenue laws had not proved completely effectual. What reason could there then be for the apprehension that the like inducements in this case, reinforced by the other penalties provided, would not have the same effect?

If the conscience of gentlemen would not permit them to carry the proceeds of the sale of persons thus imported into the treasury of the United States, let them, if they pleased, apply them to charitable purposes—to the endowment of schools, the cutting canals, making roads, and erecting bridges.

The motion to recommit the bill was carried—ayes 76, nays 46, as follows:

YEAS—Evan Alexander, Isaac Anderson, David Bard, Joseph Barker, George M. Bedinger, Barnabas Bidwell, Phanuel Bishop, John Blake, jr., James M. Broom, Robert Brown, John Boyle, John Campbell, John Chandler, Joseph Clay, George Clinton jr., John Clopton, Frederick Conrad, Orchard Cook, Leonard Covington, Richard Cutts, Ezra Darby, John Davenport, junior, Theodore Dwight, James Elliot, Ebenezer Elmer, William Ely, John W. Eppes, William Findley, James Fisk, Charles Goldsborough, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, Seth Hastings, William Helms, David Hough, Nehemiah Knight, John Lambert, Edward Lloyd, Nicholas R. Moore, Jeremiah Morrow, John Morrow, Jonathan O. Moseley, Gurdon S. Mumford, Jeremiah Nelson, Gideon Olin, Timothy Pitkin, jr., John Porter, John Pugh, Josiah Quincy, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Peter Sailly, Thomas Sammons, Ebenezer Seaver, James Sloan, John Smilie, Samuel Smith, Henry Southard, Joseph Stanton, Lewis B. Sturges, Benjamin Tallmadge, David Thomas, Thomas W. Thompson, Uri Tracy, Joseph B. Varnum, Peleg Wadsworth, John Whitehill, Robert Whitehill, Eliphalet Wickes, Marmaduke Williams, Nathan Williams, and Joseph Winston.

NAYS—Willis Alston, jr., John Archer, Burwell Bassett, Silas Betton, Thomas Blount, William A. Burwell, William Butler, George W. Campbell, Levi Casey, John Claiborne, Matthew Clay, John Dawson, William Dickson, Elias Earle, Peter Early, John Fowler, Edwin Gray, James Holland, David Holmes, John G. Jackson, Walter Jones, Thomas Kenan, Joseph Lewis, jun., Duncan McFarland, Patrick Magruder, Robert Marion, Josiah Masters, William McCreery, David Meriwether, Thomas Moore, Roger Nelson, Thomas Newton, jr., John Randolph, John Russell, Thomas Sandford, Martin G. Schuneman, Dennis Smelt, John Smith, Richard Stanford, Samuel Tenney, Philip R. Thompson, Abram Trigg, Daniel C. Verplanck, David R. Williams, Alexander Wilson, and Thomas Wynns.

Ordered, That Messrs. BEDINGER, HOUGH, BIDWELL, FISK, KNIGHT, DANA, THOMAS, SLOAN, SMILIE, BROOM, GOLDSBOROUGH, EPPES, ALEXANDER, MARION, SMELT, REA of Tennessee, and JEREMIAH MORROW, be of the said committee.

CHICKASAW INDIANS.

Mr. G. W. CAMPBELL said it would be recollected that at the last session the President had laid before the House, after its ratification, a treaty made with the Chickasaw tribe of Indians; that an act had passed the House for carrying it into effect, but had failed from a disagreement of the two Houses on certain amendments. The consequence was that the Government was unable to make the stipulated payments, and that considerable inconvenience was likely to ensue. Some of the chiefs of this tribe had been here last year; they had relinquished their land, and were greatly dissatisfied at not receiving the sums stipulated to be paid them. It was almost impossible to make them sensible of the policy of the United States on this subject. To obtain the attention of the House to the subject, Mr. C. moved the following resolution:

Resolved, That provision be made for carrying into effect the treaty made between the United States and the Chickasaw tribe of Indians, on the third day of July, 1805.

Referred to a Committee of the whole House to-morrow.

The House resolved itself into a Committee of the Whole on the bill for the relief of Anthony Benezet and others. The bill was reported with several amendments thereto; which the House proceeded to consider, when, an adjournment being called for and carried, the House adjourned.

FRIDAY, January 9.

Another member, to wit: MATTHEW LYON, from Kentucky, appeared, and took his seat in the House.

Mr. COVINGTON, from the committee appointed on the twenty-second ultimo, presented a bill to ascertain and provide for the salaries of the judges of the Orphans' Court in the District of Columbia; which was read twice and committed to a Committee of the Whole on Wednesday next.

Mr. DAWSON presented to the House a petition of sundry inhabitants of the county of Alexandria, in the Territory of Columbia, which was received and read, praying that persons summoned to serve as jurors in the courts held in the said Territory, may receive for their services such compensation as may be just and reasonable.—Referred to Mr. Dawson, Mr. John Campbell, Mr. Livingston, Mr. Cook, and Mr. Holland; to examine and report their opinion thereupon to the House.

The House proceeded to consider the amendments reported by the Committee of the Whole, yesterday, to the bill for the relief of Anthony Benezet and others: Whereupon, the said amendments, with the bill, were recommitted to the Committee of Ways and Means.

Mr. Early, from the Committee of Commerce and Manufactures, presented a bill continuing in force, for a further time, an act, entitled "An act to suspend the commercial intercourse between the United States and certain parts of the Island of Saint Domingo," which was read twice and committed to a Committee of the Whole on Wednesday next.

PUNISHMENT OF CERTAIN CRIMES.

The House again resolved itself into a Committee of the Whole on the bill providing for the punishment of certain crimes against the United States.

Mr. Bidwell said that a gentleman from Virginia, whom he did not now see in the House, had, on a former day, suggested that this bill was deficient and needed an additional section. He was of the same opinion. We have, he observed, a statute rendering it criminal to begin or set on foot or provide or prepare the means for a military expedition or enterprise to be carried on against any foreign Prince or State, in amity with the United States. For such an offence a punishment was provided, and some preventive means were authorized. The President, in his Message, had submitted to Congress the propriety of adding one further mode of prevention, by extending the ordinary process of binding to the observance of the peace and good behaviour to acts to be done out of the limits of the United States. A recognizance to keep the peace, and be of good behaviour towards the United States, was forfeited by any offence committed within the body of the United States, but not by an act done on the high seas. A hostile enterprise of any private citizens against a nation in amity with us, endangered the peace and interest of the United States. Among other means of preventing that evil, it would be useful, and might be necessary, to bring within the reach of a recognisance for keeping the peace and being of good behaviour such acts committed without the limits of the United States as would, if committed within our jurisdictional limits, be punished by the statute referred to. A provision of this kind, he thought, would properly make a part of this bill. He, therefore, moved an additional section, in the following words:

"*Be it enacted,* That if any person, for whose keeping the peace and being of good behaviour a recognisance shall be entered into, in pursuance of the laws of the United States, shall, during the term of such recognisance, without the limits of the United States, carry on or aid in carrying on, or begin or set on foot, or provide or prepare the means of a military expedition or enterprise against any foreign Prince or State, at peace with the United States, such recognisance shall thereby be forfeited."

Mr. Quincy said he did not perhaps understand the motion, but it appeared to him to extend to any recognisance that might be entered into, in the United States. If so, it was a very extraordinary provision, and went to affect transactions hitherto considered harmless, and even on a scene so distant as Europe or the East Indies.

Mr. Bidwell replied that his colleague had not taken a correct view of the section, which did not apply to any recognisance that might be entered into, but exclusively to those for keeping the peace and good behaviour to the United States, which recognisances would, under existing laws, be forfeited for any of the acts enumerated in the bill, if committed within the limits of the United States.

Mr. Quincy.—Suppose a merchant of the United States enters into a recognisance, goes to the West Indies, and from thence supplies either France or England, both of whom are at peace with the United States, with the means of carrying on an expedition, the one against the other; is it the meaning of the gentleman that recognisances under such circumstances should be so forfeited?

Mr. Bidwell.—The provision relates only to recognisances made under the United States, and to acts which, if committed within the United States, would be by existing statutes indictable offences.

Mr. Dwight said, that if he understood the section properly, it was as exceptionable as that already stricken out. It appeared to him to prescribe that if any individual in this country should enter into recognisance and give sureties in consequence of a certain act committed by him within the United States, and should afterwards commit other offences out of the United States, his recognisance shall be forfeited and the sureties become responsible. This seemed to him the most extraordinary attempt ever made in a Legislative body. The courts of the United States were authorized to require sureties to an unlimited amount. Were those sureties to expect that such recognisance should extend to the whole life of the person for whom they became bound, and to the other offences which might be committed by him out of the United States? Who was to determine whether these acts were or were not committed? If this was the object of the section, it was one to which he hoped the Committee would never give their consent.

Mr. N. Williams observed that he did not feel the force of the objections made by gentlemen to the amendment under consideration. He confessed, however, that he might not understand the subject well, as he was not in his place when the amendment was proposed, and had not time to examine it as he ought, to give an opinion as to its correctness. But if there was something novel, surely there was nothing inconsistent or improper in its provisions. It seemed to him as only extending that practice which was adopted, he believed, in every State in the Union, of binding citizens to their good behaviour, upon proper grounds, to cases which might arise out of the jurisdiction of the United States. And this might be proper, in order to preserve peace with foreign nations. But some gentlemen objected to such a proceeding, on the ground that the recognisance would be general, and that it might be very difficult for a citizen to find sureties against offences not particularly specified. To which Mr. W. said it might be answered, that there is no man perhaps in society, that has not some friend or neighbor, who will be bound for his good behaviour in whatever place he may be; and that if suspicion was so strong and well founded against him, as to disable him to obtain this security, the peace and welfare of the country demanded that he should be put in a place of safety. He was somewhat surprised, too, that this objection should be urged by gentlemen from Connecticut, where, if he was rightly informed (and it was detailed in the newspapers) one of its citizens was at the present time in prison for not finding sureties for his general good behaviour.

Mr. **Dawson** observed that this had been a subject of much difficulty in the select committee that reported the bill. It seemed to be the undoubted right of a citizen of the United States to withdraw himself from the country whenever he pleased. Under such a provision as this a man might give security for his good behaviour, and afterwards join in war with a nation against a nation at war with the United States, and thereby forfeit his recognisance. There were so many objections, Mr. D. said, to such a provision, that he could not give it his vote.

Mr. **Ely** said he was as willing as any gentleman to make the way of transgressors hard, provided the provisions offered for this purpose did not go to implicate innocent persons. It, however, appeared to him that the proposed provision would be extremely dangerous. If, for instance, a man in this territory, which was subject to the laws of the United States, shall enter into recognisance for any offence he may commit, in one or more sureties—if afterwards he goes into a foreign country, and there stirs up an insurrection, and on that ground his bond is forfeited, his bondsman, without expecting it, will become amenable for his conduct in this foreign country. This, he thought, ought not to be. He believed every valuable purpose of the bill would be answered without this provision.

Mr. **Dana** said this new section proposed giving a construction to the keeping of the peace, and to make it mean something, which it never meant before, and that in all cases whatever it should have the broad meaning proposed to be given to it—that a recognisance for keeping the peace of the United States shall be forfeited for acts that neither break the peace of the United States nor violate any law of the land. The offence therein stated could not be punished under the existing statute of the United States, inasmuch as it would not be committed within the jurisdiction of the United States or against any law of the United States. According to it, any man who shall go into foreign service, or accept a commission from a foreign Power, will violate his recognisance. It went, therefore, to create a new offence. Mr. D. said he was not willing to sport in this way with principles hitherto deemed sacred. If these acts are wrong, pass a statute for their punishment.

Mr. **Bidwell** said, gentlemen objected to this provision, because the act, by which the recognisance will be forfeited, was not in the contemplation of sureties when they entered into bond. He understood that a recognisance for keeping the peace was in its nature general, and that any breach of the peace operated as a forfeiture. The commission of any crime against the United States, within the United States, would work a forfeiture; the doing of either of the acts enumerated in this bill would be a violation of the recognisance. The recognisance is general, to do nothing to violate the peace of the United States. Mr. B. said he would admit, if these acts were done out of the limits of the United States, they could not at present be considered in legal estimation as against the peace of the United States. If this were the case, there would be no necessity for the proposed provision. The object of the amendment was to extend to this class of acts, committed without the United States, provisions calculated to restrain their commission, and similar to those now applicable to like offences committed within the United States. As to the difficulty suggested, of taking cognizance of offences not committed within the United States, there could not, he apprehended, be any solid objection. Was not piracy punishable under the laws of the United States? and yet it was not committed within the jurisdiction of the United States—it was committed on the high seas. So with regard to the class of offences which it was the object of this section to guard against, so far as they went to violate the peace of the United States.

Mr. **Sloan** was of opinion that the bill would be incomplete without such a provision as that which was offered. It had been remarked that it interfered with the right of expatriation. No one was more averse to infringing this right than he was. But he did not view it in this light. He could not consider a person bound over to his good behaviour in the light of a freeman, at liberty to do what he pleased with himself. Without giving security he would be necessarily committed to prison and be consequently deprived of his liberty; and while under recognisance, although he gave security, he was still to be considered in the light of a culprit, amenable to the law, and not possessed of the right to expatriate himself.

Mr. **Dwight** said the remarks of the gentleman from New York (Mr. **Williams**) did not apply to the point under consideration. Would a recognisance entered into in Connecticut be forfeited by any acts committed in New York, in case the person recognised in the former State should remove to the latter? So, in the case of a person bound not to commit acts within the United States; acts committed by him afterwards against a foreign Government could not be punished in the United States. If gentlemen wish to make offences against foreign nations punishable, let them make a statute to that effect, and declare that our citizens shall keep the peace, not only in the United States, but also with regard to foreign nations. But, it had been alleged that the offence to be provided against, was a moral offence. Were they therefore to punish it? As yet the moral law was not enacted under the Constitution.

Mr. N. Williams said he agreed with the honorable gentleman from Connecticut (Mr. Dwight,) that, according to existing laws in the State which he in part represented, a citizen can be bound to his good behaviour, or to keep the peace, in the State only. And he acknowledged, that although by the laws of the United States, there is no power at present vested in the courts or magistrates, to regulate, in the manner proposed, the conduct of its citizens out of its jurisdiction, yet no one would deny that laws might be enacted to restrain them by proper obligations, from attempting injuries to foreign nations, as well as from violations of the internal peace of this country. And, if he understood rightly the proposed amendment, its object is to prevent our citizens from committing hostile acts against countries with which we are at peace. But gentlemen say, such offences are not punishable by our laws. Suppose it is so. And is it not better, if possible, to restrain offences, than to punish them, after the evils arising from them are already experienced? Mr W. thought it was. If there was no law to punish, let there be one to prevent these offences.

Mr. Dana said the right of the Government to prevent anything they could not punish was not admitted, nor was it admissible, as the one right was founded on the other. The objection to this section was this—that it undertook by a legislative construction to give a meaning to words contrary to that which they otherwise possessed—to expose a man to a forfeiture of his recognisance for acts not in themselves punishable. This was assuredly preposterous; the acts provided for by the amendment were no offences. The sureties given were only for the prevention of offences which were subjected to punishment. So long as there was no law punishing acts committed out of the limits of the United States, such a provision would be preposterous. Make such a law first, and let the punishment come afterwards.

Mr. Burwell thought the amendment a very proper one, and that the right of making it could not be questioned. As to its affecting the right of the citizen to expatriate himself, it would be found, by the decision in the case of Jonathan Robbins, that that right, as far as a judicial determination went, did not exist. If gentlemen were of this opinion, they could have no objection to the proposed section. Mr. B. however said that he had always been of opinion that every citizen had a right to expatriate himself, and to enter into the service of any other nation; and in the State he had the honor of representing a mode had been provided for the exercise of this right.

No person doubted the concurrent jurisdiction of the United States on the high seas, and that they possess the right to prohibit offences committed out of the United States was evident from the law passed at the last session, prohibiting all commercial intercourse with certain parts of St. Domingo. Whence did Congress derive this power, if the principles contended for by the gentlemen from Connecticut were correct? Again—had they not a right to prohibit the slave trade, even if carried on by citizens of the United States with foreign nations? This was not within the jurisdiction of the United States and yet no man doubted the right of the Government either to regulate or interdict the traffic. The United States therefore clearly possessed a control over their citizens wherever found, and a right to restrain them from any acts which can commit its peace, and they shall announce their expatriation; and this right extended to the punishment of certain offences committed out of their jurisdiction, as well as within it. Observe the provisions of the Treaty of 1795. It declares that whoever shall commit forgery or murder shall be delivered to the Government demanding him. Whence do the Government derive the power of demanding and punishing such an offender, if they do not possess the power of punishing offences committed by their citizens in foreign countries?

Mr. B. said this seemed to him to be one of the plainest cases imaginable, about which there could be no difficulty. It was perfectly correct that, if any citizens were suspected of a design to disturb the peace of the United States, either within or without our limits, there should exist a power to restrain such projects. The preparation and means of attack might be made or collected out of the United States, and it was indispensably necessary, in order to preserve the peace of the country and to discharge the duties devolved on us as a neutral nation, to have the power of restraining the offences committed out of the United States.

Mr. Dana said he subscribed to the correctness of the general principle laid down by the gentleman from Virginia. It was perfectly clear that within our territorial limits we had a jurisdiction over all our citizens; that on the high seas we had likewise a jurisdiction over all our citizens; and in our public vessels, over all persons on board; also that our jurisdiction extended to our merchant vessels on the high seas, and extended in a certain degree to foreign countries. This was all too plain to be controverted. No part of his argument had rested on this ground. All that he had said was, that there was no law in existence that prohibited the acts alluded to in the amendment. If it is necessary to repress such acts, make a law to punish them, and then bind your citizens in a recognisance to prevent their commission.

Mr. Burwell said he would only reply to the gentleman from Connecticut by stating, that if he and the gentlemen opposed to the amendment, would suffer it to pass, these acts would thereby become offences.

The question was then put, and the amendment carried—yeas 52, nays 43.

Mr. Eppes said that, in his opinion, an amendment was requisite in the first section. In the Constitution of the United States, great pains, said he, have been taken to define treason, that our citizens may be secured from being harassed for acts which can by no fair construction be considered as treasonable. But, if, under the denomination of misdemeanors, we undertake to punish acts which scarcely admit of definition, and which are not criminal in themselves, this Constitutional restriction will be of but little avail. A party in power, in order to accomplish its vindictive purposes, will, under a different name, create the same crime, and thus evade the Constitutional provision. For this reason, Mr. E. said, he objected to the last part of the section.

Mr. E. said this part of the section was altogether unnecessary. He wished gentlemen to attend to the powers with which the Government would be armed, even if the latter words were struck out. They possessed the whole force of the nation, and could compel every man to march to maintain the public peace. If, therefore, treason should exist, they had ample power to crush it. Why, then, go farther? Will gentlemen introduce into our code a law that shall give to the courts the power of oppressing the citizen, by defining, as they may see fit, the offences of conspiracy, or of counselling and advising a conspiracy? In free countries, the greatest blessing of the citizen was, that crimes were designated by law, and that every man knew when he committed an act that was punishable. But who can tell what will be meant by conspiring, counselling, and advising? Look at England, behold the danger of constructive treason, and dread giving to your courts the power of defining crimes. For these reasons Mr. E. moved to strike out the following words:

"Or with intent, in any other manner, of levying war against the United States, or of adhering to the enemies of the said States; or who, with intent as aforesaid, shall combine or conspire together, or shall counsel, advise, or attempt to set on foot, provide, or prepare the means for any such unlawful expedition or enterprise, or to procure any insurrection, unlawful assembly, or combination for such purpose, although such conspiracy, counsel, advice, or attempt, shall have the proposed effect or not."

Mr. E. also moved to strike out the subsequent words in the same section:

"And further, at the discretion of the court, be holden to find sureties for his or their good behaviour, in such sum, and for such term, as the said court may direct. *Provided always*, That nothing herein contained shall be so construed as to prevent the trial or punishment of any person or persons guilty of treason, murder, or any other offence punishable by any law or laws of the United States."

Mr. E. said he was in favor of striking out the proviso, that the crime of treason might stand solely on Constitutional ground, and that no attempt should be made by statute to put a construction upon it. He was also in favor of striking out the preceding provision, giving the court the power of binding over for good behaviour; as he thought it just that when a man had suffered the punishment affixed to his crimes, he ought to be discharged, and as, under it, there was nothing which inhibited a court from requiring sureties in so large a sum as would confine a man for life.

Mr. BIDWELL observed that the gentleman from Virginia (Mr. EPPES) had founded his motion for striking out a part of this section upon an alleged uncertainty in the description of the offences rendered punishable by it. The maxim, he agreed, was a sound one, that crimes ought to be defined with such certainty as to be easily known, in order that they might be avoided by well disposed citizens; and, if committed, that they might be capable of being distinctly stated in the prosecution, and proved or disproved on trial. If the descriptive words, now moved to be struck out, would not bear the test of this rule, undoubtedly the motion ought to prevail. That was the point to be decided. The general object of the bill was, to prevent any treasonable expedition or enterprise, by punishing certain preparatory steps leading to such acts of treason, but not in themselves amounting to that crime. The gentleman from Virginia did not object to the first clause, rendering it criminal to begin or set on foot, or provide, or prepare the means for such a treasonable expedition or enterprise, which words were borrowed from an existing statute. His objection was directed against the words *combine*, *conspire*, *counsel*, and *advise*, as not sufficiently definite. He had asked, what is combining or conspiring, counselling or advising? and been answered, that it was just what a court should please to make it. On the contrary, Mr. B. said, he thought those terms had, in common use as well as in technical style, a settled and known signification. A combination, or conspiracy, was well understood to be an act of two or more persons, associating together for some object. If that object was a lawful one, the combination was innocent. If it was criminal, the combination, whether its object was effected or not, was, at common law, a crime well defined, and understood as an indictable conspiracy. The words *counsel* and *advise*, also, were explicit and unequivocal. To counsel or advise the doing of anything, was an overt act, which might be known, stated, proved, and tried with as much certainty as any other act whatever. And, when its object was a treasonable expedition, or enterprise, it was in its nature criminal, and merited puuishment as much as any act short of treason itself; for it might be a cause, and perhaps the principal cause, of the whole mischief. A man by his advice, without any further agency, might induce others to set on foot, or provide and prepare means for such an enterprise as was intended to be guarded against by this bill, and ought to be punishable for it, if any preparatory steps towards treason was a proper ground of punishment. As these descriptive terms, to which the gentleman from Virginia had objected, did not appear to him to be liable to the objection of uncertainty in their meaning, Mr. B. said he should not, without some further reason for it, vote in favor of the proposed amendment.

Mr. EPPES said the gentleman from Massachusetts had virtually admitted every objection which he had taken to the section. He says that a conspiracy is a thing which every court and jury may easily decide upon. This was precisely his objection—that they would be obliged to leave the decision to the court and jury. The terms were incapable of legal definition. The gentleman says, suppose there should be a conspiracy, or a counselling towards it, will you let those concerned in it go clear? Why not? What great injury will flow from it? You will be precluded from punishing words or intentions, but will that be an evil? Do gentlemen recollect the length to which constructive treasons have been carried in another country? Do they remember that a man was convicted of treason in England for wishing a buck's horns in the belly of the King? To show gentlemen how far courts have gone, even in our own country, Mr. E. said he would refer them to the case of Luther Baldwin; and, as he had the indictment in his hand, he would read it in illustration of his argument.

Mr. E here read the indictment, as follows:

"*New Jersey District—U. S. Court.*

"Indictment of Luther Baldwin for Sedition.

"*District of New Jersey, ss:*

"The jurors in behalf of the United States of America, for the body of New Jersey, district of the middle circuit, upon their respective oaths present, that Luther Baldwin, late of the township of Newark, in the county of Essex, and district of New Jersey, waterman, being a pernicious and seditious man, and contriving, and maliciously intending the faithful citizens of the United States to excite and move to hatred and dislike of the person of the President of the United States and the Government established within these United States, on the 27th day of July, in the year of our Lord, 1798, in the township within the county and district aforesaid, and within the jurisdiction of this court, in the presence and hearing of divers faithful citizens of the United States with whom the said Luther Baldwin was then and there talking of and concerning the President of the United States, (the President of the United States being then and there passing on the highway, through the township within the county and district aforesaid, and divers faithful citizens of the United States, in testimony of their respect and affection for and towards the President of the United States being then and there firing a cannon,) unlawfully, maliciously, and wickedly did publish, utter, and declare, with a loud voice, these English words: 'The President' (meaning the President of the United States) 'is a damned rascal, and ought to have his' (meaning the President of the United States) 'a— kicked. I wish one of the charges' (meaning then and there firing and discharging as aforesaid from the cannon as aforesaid) 'would pass through his' (meaning the President of the United States) 'a—.' And the said Luther Baldwin, in further prosecution of his malice towards the said President of the United States before had, afterwards, to wit: on the same day and year aforesaid, at the township in the county aforesaid, and within the jurisdiction of this court, maliciously, diabolically, seditiously, wickedly, and scandalously, in the presence and hearing of divers faithful citizens of the United States then and there present, did utter, and with a loud voice pronounce, assert, and affirm, tha the President (meaning the President of the United States) 'was a damned rascal, and ought to have his a— kicked, and one of the cannon shot through it,' (meaning that the President of the United States ought to have his a— kicked, and ought to have one of the cannon then and there firing as aforesaid shot through his a—,) to the great scandal and contempt of the President of the United States and Government thereof, to the evil example of all others in the like case offending, and against the peace of the United States and the Government and dignity of the same.

"LUCIUS H. STOCKTON,
"*U. S. Attorney.*"

I have called the attention of the House, said Mr. E., to this paper, to show that all courts are alike; that if you give them power they will abuse it; and that there is no safety for man but in a clear definition of crimes by law. In free countries there ought to be no crimes not defined by law. The gentleman tells us conspiracy and counselling are plain terms, easy of apprehension. But I wish to trust to nothing short of the law of the land. Let them be defined.

Mr. Elliot hoped the motion of the gentleman from Virginia would prevail. A part of the words in this section ought certainly to be erased; and he believed it would be better to erase the whole. On the subject of constructive treasons sufficient had been said. But it appeared to him that the provisions in the bill were such as led to another species of construction which was more objectionable than the doctrine of constructive treasons. He meant that doctrine which had prevailed at an early period of the British history—the doctrine of accumulative treasons—which consisted in making a number of offences, neither of which in itself, amounted to treason, or any other crime of magnitude, collectively amount to treason. Under this doctrine, the celebrated Earl of Strafford, and other distinguished men, had suffered. Mr. E. said he was of opinion that every valuable purpose of the bill would be better answered without than with these words, without introducing a provision of the most dangerous tendency. After illustrating this idea, Mr. E. added, if you once say that a person who shall counsel or advise the setting on foot a military expedition shall be liable to punishment for a misdemeanor, you create a new system of jurisprudence. How liable will the individual accused be to be misunderstood and misrepresented? I hope never to see this doctrine recognised—that mere words, the impulse of the moment, without any definite object, and uttered without reflection, shall be tortured into a misdemeanor.

After a few remarks from Mr. Jackson, Mr. Pitkin, and Mr. Alexander, in favor of the motion, and Mr. G. W. Campbell against it, the question was put and the motion to strike out carried—yeas 68.

Mr. Eppes then moved to amend the second section by striking out the following words in *italic:*

"Sec. 2. *And be it further enacted,* That the trial of the abovementioned offences may be had in any of the districts or Territories where any of the acts constituting the offence shall have been committed, *and all the acts constituting the offence may be brought in* *evidence on such trial, in whatever part of the United States, or the Territories thereof, they may have been committed.*"

Mr. E. said, on examining the provisions of the Constitution, this part of the clause appeared to him a clear and open violation of it. He would invite the attention of the House to the several provisions that bore on that point. In the second section of the third article are the following words:

> "The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed."

In the seventh amendment we find—

> "No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service."

And in the next amendment the following provision:

> "In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence."

From these provisions, it appears to me, said Mr. E., that every man charged with an offence is secured in the right of not being tried except on the previous presentment or indictment of a grand jury; and, on the known principle of a grand jury, they are incapable of finding except for acts committed in the State where they meet. Suppose a man commits acts in Maryland, in Delaware, and Pennsylvania—that they are criminal acts, and that he is arraigned in Pennsylvania for the act committed in that State. On that arraignment, can the acts committed in Delaware and Maryland be given in evidence? No. Why? Because the Constitution of the United States declares he shall not be made to answer but on a presentment of a grand jury, who cannot wander out of the State in which they sit. If he should be tried in Pennsylvania for acts committed in Delaware and Maryland, I ask if he can be said to be tried on the presentment or indictment of a grand jury of those States? I know, when part of an act constituting an offence is committed in one State and part in another, the *quo animo* may be shown in one State by acts committed in the other. But the Constitution expressly provides that a man shall be arraigned and tried in the State where the offence shall be committed. I know the answer that will be given to these remarks. Gentlemen will talk of convenience, and say, that without such a provision as this, persons cannot be tried. But in these cases we are not to legislate on the principle of convenience. This is a Government of delegated powers, and we have no powers that are not given. I pretend not to professional knowledge on this subject. If the provision can be so modified and arranged as to steer clear of a violation of the Constitution, I will agree to it; but, in its present form, it appears to me unconstitutional.

Mr. Elliot seconded the motion. The arguments offered by the mover appeared to him unanswerable, and it was not necessary to repeat them. He would, however, offer one or two additional observations. The words proposed to be stricken out in this section had a close relation to those already stricken out in the first section. Had the latter been retained they would have been an argument for retaining the former. But since the first section was thus amended, they appeared to him perfectly useless. How could it be necessary to provide that all the acts committed in different States should be given in evidence, when, as the bill stood, the offences enumerated embraced entire and individuals act?

Mr. Early said he differed in opinion essentially from the mover and seconder of the amendment; both of whom, he apprehended, had fallen into error, from confounding two things which were in their nature essentially distinct. He understood the section as meaning neither more nor less than this—that different acts constituting one and the same offence may all be given in evidence on the trial of that offence; not that different acts constituting different offences shall all be given in evidence on the same trial. The term in the section, the offence, can only allude to one offence. This he considered perfectly Constitutional and correspondent with every day's practice. He would put a familiar case. Suppose a murder committed in the State of Virginia, and that the person who committed it shall have previously purchased a gun and loaded it in Maryland. The purchasing and loading the gun are preparatory to the act of shooting. And yet, according to the doctrine of gentlemen, these are distinct facts and cannot be given in evidence in Virginia. Mr. E. said he was willing to rest the provision on this ground; as proof that all the acts constituting one and the same offence could be given in evidence.

Mr. Elliot replied that the gentleman from Georgia had not steered clear of the error he had ascribed to the mover and seconder of the motion. He says the purchasing and loading the gun are distinct acts from that of shooting. True; but they are in themselves no part of the offence. The act of shooting alone constituted the crime, and must have been committed within the jurisdiction of the tribunal trying it.

Mr. G. W. Campbell said the amendment was principally founded on the constitution of the grand jury, inasmuch as that body did not possess the power of making presentments, except for offences committed within their jurisdiction. When the amendment to the Constitution was attended to, it would be found that it did not bear on this point. It secures to the individual the right of not being tried by a petit jury until a grand jury shall have found a bill against him. Now, the question is, what evidence may be given of the offence? I entertain no doubt, said Mr. C., but that any evidence may be given to the grand jury to ascertain the offence, if part of it has been committed within the district, and that this will give them jurisdiction. If this were not the case the most palpable absurdity would follow. Complete evidence of the commission of a crime cannot be collected without showing the steps to its consummation. The consequence therefore, would be, that many crimes would escape unpunished.

Suppose a man to steal a horse in one State, and to be taken up with him in another. It has been decided that he may be indicted in the last, although the crime was committed in the first State. Would not the grand jury be allowed to receive evidence of the stealing of the horse in another State? Mr. C. said he had seen such evidence frequently admitted; indeed he had never heard it questioned. For these reasons he thought the words ought not to be stricken out. He would add that, although he was against striking them out, he did not believe them absolutely necessary, as he believed the same power would exist without the provision.

Mr. Alston said if the remarks of the gentleman from Tennessee were correct there was no necessity whatever for the words proposed to be stricken out. He would ask, if these offences could be tried in the same manner without this provision, whether the bill would not be better without it? If such a provision were now required, it would go a great way to prove all the similar practice heretofore adopted illegal. For these reasons he was willing to strike it out.

Mr. Eppes said he believed, from several of the arguments used, he had not been correctly understood. He had not said that the commencement of such an act as murder could not be given in evidence. But was such a crime divisible? What, on the contrary, were the acts specified in the bill? They were the beginning or setting on foot, or providing or preparing the means for a military expedition. These might be divided. For instance, take one of them; suppose a military expedition set on foot in Maryland—the preparations for carrying it on made in Delaware, and the attack made in Pennsylvania. Here were three acts; and if a man is indicted for one of them in Pennsylvania, I say he cannot be indicted for the same offence in Delaware or Maryland, because they are distinct offences, and the Constitution says a man shall not be subject for the same offence to be twice put in jeopardy of life or limb. I ask then, whether, if a crime be committed in Pennsylvania, the giving in evidence an act committed in Maryland would not be a violation of the plain principles of the Constitution?

Take an offence as a whole, one-sixteenth part of which is committed in one place, and fifteen-sixteenths in another, all of which are required to constitute it. I ask gentlemen whether they mean to introduce the doctrine of crimes made up of fractional parts, or whether they are in favor of establishing a principle under which the party in power may hunt up circumstances committed in this State and in that State, neither of which in itself would constitute a crime? This is the first time I ever heard of the doctrine of the fractional parts of a crime; by which a man, who, although he has committed no crime in any one State, yet, by adding together the fractional parts committed in this State, and the fractional parts committed in that State, may be convicted and punished.

Mr. Hastings spoke in favor of the amendment.

Mr. Alexander was opposed to striking out these words, as he feared without them the bill would be perfectly nugatory. It might, perhaps, be safe to say that the courts had the power assigned them by the section; but the provision seemed necessary to put the point beyond question. The reasoning of the gentleman from Virginia (Mr. Eppes) went to prove that the acts enumerated in the bill consisted of several things, from the combination of which the crime was constituted. He would ask whether, on a trial of any crime whatever, it was not usual to receive everything constituting the offence, provided jurisdiction over it was given to the tribunal before which trial was had? In State prosecutions, if the offence was begun in one county and consummated in another, it was competent to the court to try an individual wherever he was arrested. If a man should take a horse from Tennessee to North Carolina, it was questionable whether he could be arrested and tried in North Carolina; because in every such offence we find the charges in the indictment consist in stealing and carrying away; and notwithstanding what had been observed by the gentleman from Tennessee, Mr. A. said, he recollected a case in which a man, who had taken a horse from Tennessee to North Carolina, had got clear on this ground. Mr. A. however, said, that the making the law clear on this point was a sufficient reason for the section. If the doctrine contended for by gentlemen obtained, it would be impossible for these offences to be punished at all. Suppose a combination should take place in Virginia, and in Pennsylvania the means should be prepared for effecting it. The offence would be punishable in neither State. The mere bringing was an innocent act. It was, therefore, necessary to prove the intention with which they were brought. Would not this evidence be received? If not, the culprit would go clear altogether.

Mr. Holland said he was in favor of striking out these words on two grounds; because the first of them was unnecessary, as the Constitution had provided that offences shall be tried in the States where they are committed; and because the second part was in his opinion altogether improper, inasmuch as it was unconstitutional. The acts provided for in the first section were entire acts, and could be punished wherever they were committed. Offences were, from their nature, not divisible.

Mr. G. W. Campbell observed that it was objected, by the gentleman from Virginia, that this section went to divide crimes into fractions. Mr. C. said he was himself of opinion that no plan could be mentioned that did not consist of certain ingredients; and that, from the nature of things, one act could not constitute a crime. The act of shooting a gun, which had been alluded to, was in itself no crime without a criminal intent. All crimes consisted of a congregation of acts, which went to show the intent of the individual committing them. This was the first time that he had ever heard a doctrine espoused under which a culprit could by address screen himself from punishment. All that would be necessary for him to do, would be to begin the commission of an offence in one State and commit a part of it in another. What say gentlemen to this? Why that there is no such thing as fractional crimes! Although the crime is made up of the acts committed in several States, you shall only punish the perpetrator in each State for the acts done in the State. This is a dangerous principle, much more dangerous than the principle proposed to be adopted. If this principle be correct a man may laugh at your laws, break them at pleasure, and so manage, by removing from one district to another, that you cannot reach him.

Mr. Fisk hoped the words would be stricken out. He considered them not only useless, but worse than useless. In one respect they were unconstitutional, and in another respect they rendered that doubtful, which was previously clear. He said he never before had heard that crimes consisted of fractional parts. He did understand that the evidence of the existence of crimes might be drawn from different sources; but not that the crimes themselves consisted of different fractions.

Mr. Eppes said that on examining the first part of the section he thought it equally exceptionable with the last. His wish was, therefore, to strike out the whole section. But, as he could not effect this purpose in committee, as certain words had been inserted which it was not in order to move to strike out, he would withdraw his motion; and move in the House that the whole section be stricken out.

The Committee then rose and reported the bill, and the House adjourned.

Monday, January 12.

The Speaker laid before the House a letter from Augustus B. Woodward and others, appointed a committee by a Convention of the inhabitants of the Territory of Michigan, held at Detroit, on the twenty-seventh of November, one thousand eight hundred and six, transmitting an authenticated copy of the proceedings of the said Convention; which were read, and referred to Mr. Jeremiah Morrow, Mr. Gregg, Mr. Elliot, Mr. Thomas W. Thompson, and Mr. Philip R. Thompson; to examine and report their opinion thereupon to the House.

Mr. Dawson, from the committee appointed on the thirtieth ultimo, presented a bill to incorporate a company for making a turnpike road from the west end of Mason's Causeway to Alexandria; which was read twice and committed to a Committee of the Whole on Monday next.

Mr. Early, from the Committee of Commerce and Manufactures, presented a bill to annex certain shores and waters to the district of Mississippi; which was read twice and committed to a Committee of the Whole on Monday next.

Mr. Early, from the same committee, presented a bill for the relief of Edmund Briggs; which was twice read and committed to a Committee of the Whole on Monday next.

Mr. Early, from the same committee, presented a bill authorizing the issuing of debentures in certain cases; which was read twice and committed to a Committee of the Whole on Monday next.

Mr. Lattimore, from the committee appointed on the ninth ultimo, presented a bill authorizing a grant of land for the use of a hospital at Natchez; allowing an additional compensation to the Judges of Mississipsi Territory, and extending the right of suffrage therein; which was read twice and committed to a Committee of the Whole on Wednesday next.

Mr. Varnum presented to the House a representation of William Hull, Governor of the Territory of Michigan, which was received and read, stating that, during the last Winter, hostile indications appeared on the part of different nations of Indians against the settlements within the said Territory, which rendered it necessary to make defensive preparations for their safety and protection, and that, in so doing, very considerable expenses were incurred, and praying that an appropriation may be made to defray the same.—Referred to Mr. Varnum, Mr. Matthew Clay, and Mr. Rhea, of Tennessee; to examine and report their opinion thereupon to the House.

Mr. R. Nelson, from the committee appointed on so much of the President's Message as related to fortifications, &c., reported the following resolutions:

Resolved, That a sum of money, not exceeding —— dollars, be appropriated to enable the President of the United States to cause fortifications to be improved and repaired.

Resolved, That a further sum of money, not exceeding —— dollars, be appropriated to enable the President of the United States to cause to be built a number of gunboats, not exceeding ——, for the better protection of our ports, towns, and rivers.

Referred to a Committee of the Whole on Thursday next, and ordered to be printed with the accompanying documents, the New York memorial excepted.

DUTIES ON SALT.

Mr. J. Randolph moved that the House resolve itself into a Committee of the Whole on the bill for "repealing the acts laying duties on salt, and 'continuing in force the first section of an act, 'entitled an act further to protect the commerce 'and seamen of the United States against the 'Barbary Powers."

Mr. Quincy moved to postpone the consideration of the bill until Friday next. He said that the effect of this repeal would ruin a great number of persons in Massachusetts engaged in the salt manufacture, and crush that important establishment. He had daily expected communications upon the subject, enabling him to state more fully than he was then able, the importance of that interest, and to show the inexpediency of the repeal; that the bill and documents were only laid on the table on Friday. It was an important national concern; no possible injury could result from delay—it being six weeks to the end of the session.

Mr. J. Randolph replied that the manufacturers had notice enough the last session. The subject had then been defeated. The intention of this House was then sufficiently expressed, and that the Message of the President had given ample notice to all concerned, to come forward with any petitions, or send on any information. He hoped the bill would not be postponed, but that the House would immediately resolve itself into a Committee of the Whole on the bill.

Mr. Quincy said, that all the evidence resulting from the conduct of the House the last session was, that the tax would not be repealed, as it was then negatived. That it was unprecedented to enter upon such a bill as this so early in the session, especially if any light was likely to be obtained by postponement. It was desirable the House should have all the information in the case; and although, out of regard to the salt manufacturers, the House might not deem it politic to refuse to repeal this tax, it would at least afford the persons interested some consolation to know that the House had given them an opportunity to offer all they had to urge.

The question of postponement was lost—ayes 33, noes 65.

The House then resolved itself into a Committee of the Whole on the bill—Mr. Varnum in the Chair.

The first section provides that all the acts imposing duties on salt shall be repealed after the —— day of —— next.

At the instance of Mr. J. Randolph the blanks were filled with the first of July.

The second section repeals several acts heretofore granting bounties on, and allowances for, the benefit of the fisheries.

The third section continues the ad valorem duties, which constitute what is called the Mediterranean fund, till the end of the next session of Congress.

Mr Quincy moved to strike out, and insert so as to make the section read:

"That, from and after the first day of July next, so much of any act as lays a duty on imported salt, bohea, souchong, and other black teas, brown sugar and coffee, be, and hereby the same are, repealed, and that, from and after the said first day of July next, there shall be levied, collected, and paid on each of said articles the following duties, viz: on salt —— cents per bushel, on bohea tea —— cents per pound, on souchong, and other black teas —— cents per pound, on brown sugar —— cents per pound, and on coffee —— cents per pound."

He said if the motion were adopted he should move to fill the blanks so as to effect a reduction on salt eight cents per bushel, on bohea and other teas, six cents per pound; on brown sugar, half a cent, and on coffee one cent per pound. The amount of this reduction would about equal the amount of taxes, which, according to the President's Message, might be spared.

Considering the deep injury which would be done by a total abolition of the salt tax to a certain portion of the citizens of Massachusetts, he felt it his duty to submit to the House to consider whether the same relief might not be effected to the people in another way, and instead of a total repeal of the salt tax, which would ruin the manufacturers, to adopt a partial repeal on that article, and equalise the reduction on other articles of the first necessity. If by this means the encouragement to the manufacturers might be retained, and an equal benefit result to the people, he thought it was a great national object. By leaving the salt tax at twelve cents, which he proposed, the manufacturers would be saved; and the proposed reduction on the remaining articles would amply compensate the people for the residue left upon salt. The articles he had stated to be reduced were the lower species of tea, coffee, and brown sugar, all of them articles of the first necessity—necessaries of life to the poor and laboring classes, particularly in the cities. This circumstance had a great weight with him, in addition to the consideration from the encouragement of the salt manufacture. A total abolition of the duty on salt would have the effect of giving the chief portion of relief to the interior, to the South, and West, and comparatively very little to the seaboard. It was a principle of wise legislation, that when you lay taxes, equalise the burden. I suppose the converse is also true, when you take off taxes, equalise the benefit. It is an unquestionable fact, that this salt tax bears peculiarly hard upon the Southern and Western States; not only is this evident from their anxiety to get it repealed, but also from the known state of things. They have cattle as well as we, and besides they have slaves. This tax is to them, therefore, all the difference of the consumption of their slaves. This fact was so strong, that at the time of the first imposition of the salt tax, the argument principally relied upon against it was this inequality. The answer to this objection, as it was urged by the advocates of the tax, particularly by Mr. Madison, the present Secretary of State, is remarkable. They admit the inequality, but urge that "considered as part of a system the equilibrium is restored when you" (the Western States) "find this almost the only tax you have to pay." It is impossible that the interior of any part of the United States can consume anything near the proportion, compared with their numbers, of the inferior teas, brown sugars, and coffee, as are consumed on the seaboard. These make a most important and capital article of the expenditure of laborers, artisans, and poor of the cities, supplying the place of milk, and the products of the dairy, which support the same classes in the interior. The salt they consume is comparatively little. Now, if in the original imposition of duties, articles were so selected as to equalise the tax upon the consumption, so that all consumers might be equally burdened, in taking off the taxes we ought to take care "not to destroy the equilibrium of the system." So to arrange the reduction, that all may share the advantage of the relief. The tax upon salt is indeed a tax upon a necessary of life; but is of all those species of tax the easiest to be borne. First, because it is consumed a little by all, and cannot, *as a necessary*, be consumed a great deal by any. Next, because its cost abroad is very trifling, and the increase in the price, by the tax, cannot materially be felt. Next, the consumption is gradual and imperceptible, and so the tax is gradually paid. So far as salt is eaten by cattle and by slaves, it is a tax upon property. And really, sir, I do not believe that a tax upon property is the first tax to be totally repealed. *Davenant*, and other writers upon this subject, estimate the consumption of England to be annually half a bushel a person, and the amount of this article imported into the United States, compared with the population, will show that is the average amount of consumption here. Supposing this to be correct, and it cannot be materially erroneous, then the salt tax is a tax upon the poor of ten cents annually. But what is it upon the rich? The farmer with an hundred head of cattle, and the planter with a hundred slaves, each of which also consume half a bushel of salt annually, pays ten dollars of this tax. And will any man pretend that farmers and planters, who are able to keep this stock in cattle or slaves, are the first to experience the charity of the national reduction? As far as the tax operates on the intermediate class of farmers and planters, it operates in proportion to the stock they keep. A poor farmer, with a single cow, pays ten cents, and so in proportion to the cattle he owns; in other words, in proportion to his riches. I do not contend that relief should not be extended to farmers and planters by a reduction on this article; all I maintain is, that it shall not exclusively be granted. Let us leave a share of the benefit on the seaboard. The tax upon the poor of the cities, on the articles I have proposed to insert, is as hard as the tax upon salt is on the interior. Do not take ten dollars from their annual tax, and only ten cents from ours, but so modify your measures that we may have a little more of the reduction, and they a little less. When I consider that this plan will not only be more equal, but will, by leaving twelve cents tax upon salt, preserve to the country a most important manufacture, I cannot but hope it may receive the sanction of this House.

Mr. J. CLAY.—The gentleman from Massachusetts has observed that tea, coffee, &c., have become necessaries of life. This is true. But by the duty on coffee, a large sum is saved from the smallness of the drawback allowed in case of exportation. This sum amounts to about $75,000 annually, but if you diminish the duty on coffee, you proportionably lessen the sum thus saved to the revenue. Little salt is re-exported; you will not, therefore, suffer in this way from a repeal of the duty upon that article.

The duties on salt are now equivalent to a poll-tax of ten cents for each person. But the great evil of the tax is, that it raises the price in the interior of the country, where the article is manufactured. In the western parts of Virginia and in Kentucky, it is three dollars a bushel. This is certainly too high. But the duties on bohea tea are so small (13 to 17 cents a pound) that I can hardly believe the gentleman serious in his proposition. To bring forward an amendment so overhead-and-ears into the bill, seems as if it resulted more from looking after popularity, than a belief that the proposition would be adopted by the House.

Mr. ELLIOT wished to be indulged while he took a rapid and general view of the history of taxes on salt. They originated in the Roman Republic, which did not well understand the principles of commerce. They had a powerful agency in promoting the French Revolution. The gentleman, (Mr. QUINCY,) the last session told us, with an eloquence not every day witnessed in this House, that a large proportion of the people of the Eastern States lived upon the water, and came on shore only once or twice a year. Hence, they will be particularly benefitted by a repeal of the duty, for seamen are almost entirely subsisted on salted provisions. The British writers say that the duty on salt has been very injurious to the fisheries in that country, and the same effect must be produced here. The repeal of no tax will so generally relieve the people as this. When that is done, it may be proper to consider whether any other taxes can be dispensed with.

Mr. J. RANDOLPH.—I conceive that the proposition of the gentleman from Massachusetts is brought forward in order to avoid the lessening of any tax whatever. He will excuse me for this declaration, but I infer it from what the gentleman himself said on the question of postponing the bill. He informed the House that it was the general belief, in that quarter of the country from which he comes, that all the present taxes were wanted by the Government.

The gentleman perceives that the repeal of these duties is a favorite measure of the majority of this House, and not being able to meet the subject fairly he tries to elude it. Sir, this is no new expedient. Six years ago, on the question of repealing the internal taxes, an attempt was made to elude the object by a proposed repeal of the duties on sugar, salt, bohea tea, and molasses. There is now an attempt to play the same game over again.

The question lies in a very narrow compass. It is a simple question of finance. Can you do without the duty of $500,000? If you can, it is to me self-evident that salt is the article to be relieved. I state the very reason in favor of the repeal which the gentleman urges against it—locality. The taxes operate locally, and ought for that reason to be taken off. Suppose there were an article of great use in the Eastern States, and not used elsewhere—a necessary of life—and taxed higher than any other object of taxation.

The gentleman would say take it off, because the burden operates locally. But can he point out in your book of rates an article so highly charged as salt—an article, not a superfluity, but a necessary of life? The tax falls hard on certain classes, and also on certain districts, at a distance from the sea, where the expense of transportation is considerable. Salt, iron, coarse woollens, and linens, are the great necessaries of life.

I have another reason. I want to see the commencement of a general repealing system of your taxes. No man is more an advocate for the speedy reduction of the national debt than I am, but I wish the reduction of the debt, and the repeal of the taxes, to go on together. I hope to see the time when all the taxes of the General Government shall be repealed, except a small ad valorem duty of five per cent.

Messrs. Smilie, Bidwell, and Findley, spoke against the amendment.

Mr. Sloan.—I do not rise to take up the time of the House, but to express briefly my sorrow that so much time has been already taken up. The gentleman (Mr. Quincy) will pardon my plain mode of reasoning, but to my mind there cannot be any objection at all on the subject, and I wonder that there should even be any doubts upon the case. I confess, however, there is one circumstance I have a feeling for. I understand there are many factors of salt who have laid out great sums in making salt works. If the gentleman will bring forward any plan for their assistance, as granting a bounty or the like, I shall be willing to go his pace.

Mr. Quincy.—Gentlemen are not content with replying to my arguments; they impeach my motives. The gentleman from Pennsylvania (Mr. Clay) says, my "object is popularity." That gentleman does not know the relation in which I stand. The great mass of salt manufacturers are not residents in my election district. And if they were, I cannot see that it is a reason against proposing a wise measure that it may possibly be grateful to the people. The gentleman from Virginia (Mr. J. Randolph) says, "it is the old game played at the repeal of the internal taxes, and that the object is to prevent any repeal." Is this a fair suggestion, when my system is expressly founded upon affording the same amount of relief, and my only difference at present is, as to the mode in which it shall be distributed among the people? I will explain to those gentlemen my real motives. It was to bring on a discussion. I saw this House going into Committee of the Whole and out of it, with a haste that was, considering the importance of the consequences to the nation and individuals, unexampled. A great and growing manufacture was about to be crushed, and no one seemed to take any concern for it. No man opened his lips in its support. In this state of things, I felt it my duty to propose a plan which would save the manufacturer, and yet not counteract the strong current which is setting in this House towards repealing of taxes.

As to the objection made by the gentleman from Pennsylvania (Mr. Clay) from the drawback on coffee, there may be some force in it so far as respects that article; but that is not material; if the House agree to the general principle, the details may easily be arranged.

As to the objection of the gentleman from Vermont, (Mr. Elliot,) that, by repealing the tax partially on salt, we lose the bounty to the fishermen, I do not see how that applies. The bounty is now to be repealed by this act. If a partial tax should be imposed, unquestionably a proportionable bounty would be granted. If I did not know that the interests of the fisheries would have no weight upon this floor, I would urge that interest against the total repeal of the salt tax. The present rate of bounty is unquestionably somewhat beyond the amount of salt exported. It is only a little excess, but that little is an encouragement. Were I not assured that an argument of this kind would be more than useless, I would urge the interest of the fisheries further in detail.

The gentleman from Virginia (Mr. J. Randolph) admits the partial operation of the salt tax, and says it is a reason for the repeal. It may be a local reason, but is it a national one? If your present system be so constructed as to make the great consumption of one article in one part of the country, balance the great consumption of other articles in another part of the country, is not a policy which takes the whole tax from one, and nothing at all from the other, as unwise as it is partial?

But I will not detain the Committee on a subject which I perceive is irksome. I will only ask, are you quite certain that by a total abolition of the salt tax, you effect all the relief to the people you contemplated? Experience has shown what the article will bear in this country. Suppose Great Britain should deem this a favorable moment to lay a tax upon the export? Are gentlemen quite certain it will not happen? It will be recollected that two-thirds of our whole import of salt is from her dominions; that this article is not like others, the direct object of commerce, generally, but only taken from necessity, either as ballast or for want of a return cargo. An export duty might not operate, possibly, to turn the merchants to other ports for the article. It may be found that they had better pay the duty in their ports than to go elsewhere. Are gentlemen prepared with any argument to show this cannot be the policy of Great Britain? and if it be, a very small duty in Europe would soon, by the ship and merchant charges, equal the proposed amount of twelve cents on the consumer in America.

Mr. J. Randolph called for a division of the question. The question was accordingly put, on striking out of the bill so much as repeals the whole of the duty on salt, for the purpose of substituting a partial repeal of the duty on salt, souchong, and other black teas, and coffee, and a total repeal of the duty on bohea tea—ayes 7. So the question was lost.

The Committee rose, and reported the bill with amendments.

Mr. **Dana** called for the reading of the report of the Secretary of the Treasury, to ascertain the amount of the Mediterranean fund, in order that it might be known how much the people were relieved by the bill before the House.

The report being read, it appeared that the duties repealed by the bill, amounted to $500,000, and the duties imposed amounted to $1,000,000.

Mr. **Dana** observed that he should like to know why the 3d section, which imposes the additional ad valorem duties, is retained? The duties were continued the last year in consequence of an intimation from the President that some menaces had been thrown out by the Tunisian Ambassador, or some demand of tribute made, or something of that sort. It is not pretended that these additional duties are wanted for the purposes of defence. There is no pretence that they are wanted for the extraordinary two millions voted last session. Mr. D. concluded by moving to strike out the 3d section of the bill.

There were immediately loud and reiterated calls for the question.

Mr. **Dana.**—The Secretary of the Treasury, in his letter to the committee who reported this bill, says that the only object in continuing this duty is to provide for the extraordinary two millions. But we know nothing about any disposition of moneys under that grant. We have not the least knowledge on the subject. If the House are in truth anxious to relieve the burdens of the people, why are duties to amount to $1,000,000 a year continued in lieu of a tax that produces only half that sum?

Mr. J. **Clay** had only one observation to make. The gentleman, in his estimate, forgets that one of these taxes is permanent, and the other temporary.

Mr. **Smilie.**—It will be well enough to read the President's Message before the vote is taken, if the Clerk will read it.

A part of the President's Message was read, when the question on striking out the 3d section, which continues the additional ad valorem duties, was taken and lost—yeas 21, nays 104, as follows:

Yeas—Silas Betton, James M. Broom, John Campbell, Martin Chittenden, Samuel W. Dana, John Davenport, jun., Theodore Dwight, William Ely, Charles Goldsborough, Joseph Lewis, junior, Henry W. Livingston, Josiah Masters, Jonathan O. Mosely, Jeremiah Nelson, Timothy Pitkin, jun., Josiah Quincy, William Stedman, Lewis B. Sturges, Benjamin Tallmadge, Thomas W. Thompson, and Killian K. Van Rensselaer.

Nays—Evan Alexander, Willis Alston, jun., Isaac Anderson, John Archer, David Bard, Joseph Barker, George M. Bedinger, Barnabas Bidwell, John Blake, junior, Thomas Blount, Robert Brown, John Boyle, William A. Burwell, William Butler, George W. Campbell, Levi Casey, John Chandler, John Claiborne, Joseph Clay, Matthew Clay, Frederick Conrad, Orchard Cook, Leonard Covington, Richard Cutts, Ezra Darby, John Dawson, William Dickson, Elias Earle, Peter Early, James Elliot, Caleb Ellis, Ebenezer Elmer, John W. Eppes, William Findley, James Fisk, John Fowler, James M. Garnett, Edwin Gray, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, Seth Hastings, William Helms, James Holland, David Holmes, David Hough, John G. Jackson, Walter Jones, Nehemiah Knight, John Lambert, Edward Lloyd, Matthew Lyon, Duncan MacFarland, Patrick Magruder, Robert Marion, William McCreery, David Meriwether, Thomas Moore, Jeremiah Morrow, John Morrow, Gurdon S. Mumford, Roger Nelson, Thos. Newton, jun., Gideon Olin, John Porter, John Pugh, John Randolph, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, John Russell, Peter Sailly, Thomas Sammons, Thomas Sandford, Martin G. Schuneman, Ebenezer Seaver, James Sloan, Dennis Smelt, John Smilie, John Smith, Samuel Smith, Henry Southard, Richard Stanford, Joseph Stanton, Samuel Taggart, Sam'l Tenney, David Thomas, Philip R. Thompson, Uri Tracy, Abram Trigg, Philip Van Cortlandt, Joseph B. Varnum, Daniel C. Verplanck, Matthew Walton, John Whitehill, Robert Whitehill, Eliphalet Wickes, David R. Williams, Marmaduke Williams, Nathan Williams, Alexander Wilson, Joseph Winston, and Thomas Wynns.

Mr. N. **Williams** moved to strike out the first section of the bill, but being informed by the Speaker that such a motion was not in order after the House had agreed to the amendments in the section;

Mr. N. W. then moved to strike out the word "salt" in the first section.

Mr. J. **Clay** called for the yeas and nays on the question.

Mr. N. **Williams** observed, that the gentleman had only anticipated a motion which he intended to make. He wished an opportunity to record his disapprobation of the measure.

He had no objection to taking off this particular duty, if any were to be repealed. He could not, however, agree to any measure at the present time, that should produce a reduction of the revenues of the Government. Considering the difficulties, internal and external, in which the country seemed to be involved, and not knowing what might be the result, he thought the resolution, at least, premature.

The question on striking out the word "salt," in the first section, was taken and lost—yeas 12, nays 109, as follows:

Yeas—Isaiah L. Green, William McCreery, Gurdon S. Mumford, Josiah Quincy, John Russell, Peter Sailly, Thomas Sammons, Uri Tracy, Philip Van Cortlant, Daniel C. Verplanck, Eliphalet Wickes, and Nathan Williams.

Nays—Evan Alexander, Willis Alston, jun., Isaac Anderson, John Archer, David Bard, Joseph Barker, George M. Bedinger, Silas Betton, Barnabas Bidwell, John Blake, jun., Thomas Blount, James M. Broom, Robert Brown, John Boyle, William A. Burwell, William Butler, George W. Campbell, John Campbell, Levi Casey, John Chandler, Martin Chittenden, John Claiborne, Joseph Clay, Matthew Clay, Frederick Conrad, Orchard Cook, Leonard Covington, Richard Cutts, Samuel W. Dana, Ezra Darby, John Davenport, jun., John Dawson, Wm. Dickson, Theodore Dwight, Elias Earle, Peter Early, James Elliot, Caleb Ellis, Ebenezer Elmer, William Ely, John W. Eppes, William Findley, James Fisk, James M. Garnett, Charles Goldsborough, Edwin Gray, Andrew Gregg, Silas Halsey, John Hamilton, Seth Hastings, William Helms, James Holland, David Holmes, John G. Jackson, Walter Jones, Nehemiah Knight, John Lambert, Henry W. Livingston, Edward Lloyd, Matthew Lyon, Duncan MacFarland, Patrick Magruder, Robert Marion, Josiah Masters, David Meriwether, Thomas Moore, Jeremiah Morrow, John Morrow, Jonathan O. Mosely, J. Nelson, R. Nelson, Thomas Newton, jun., G. Olin, Timothy Pitkin, jun., John Porter, John Pugh, John Randolph, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Thomas Sandford, Martin G. Schuneman, Ebenezer Seaver, James Sloan, Dennis Smelt, John Smilie, John Smith, Samuel Smith, Henry Southard, Richard Stanford, Joseph Stanton, William Stedman, Lewis B. Sturges, Samuel Taggart, Samuel Tenney, David Thomas, Philip R. Thompson, Thomas W. Thompson, Abram Trigg, Killian K. Van Rensselaer, Joseph B. Varnum, Matthew Walton, John Whitehill, Robert Whitehill, David R. Williams, Marmaduke Williams, Alexander Wilson, Joseph Winston, and Thomas Wynns.

The bill was then read, and ordered to be engrossed, and read the third time to-morrow.

Tuesday, January 13.

Mr. Lewis, from the committee appointed on the twelfth instant, presented a bill to incorporate the Prostestant Episcopal Church of the town of Alexandria; which was read twice and committed to a Committee of the Whole on Thursday next.

DUTIES ON SALT.

The bill repealing the acts imposing duties on salt and for continuing the Mediterranean fund was read the third time.

Mr. Quincy moved to recommit the bill, for the purpose of striking out "the first of July," and inserting "the first of October," so as to make the duty cease at that period.

He said, before the House went into Committee of the Whole, yesterday, on this bill, he had urged a postponement, upon the ground that the subject was too important to be pressed on, with so much expedition; that the time for consideration, usual on great questions, had not been granted, and that he was daily in expectation of some memorials, or information, from those interested in the salt manufacture, which would throw light either upon the general principle, or the details of the bill. He regretted he was not successful, as he had no doubt that, by this uncommon haste, the House would be deprived of the knowledge of facts important to a correct judgment; that he had just received information which had satisfied his mind that the time of repeal ought not to commence until the first of October. The course of the salt business, in relation to the fisheries, was this: The fishing season commenced on the last of February, and extended to the last of November. Salt was taken by the fishermen in the months of March, April, May, and June; sometimes as late as July. In order to entitle the fishermen to the bounty, their vessels must have been four months engaged in the fishery during the fishing season. Persons engaged in the business of supplying the fishermen with salt are necessitated to lay up great stores in the preceding Autumn. As these persons have paid the duty to the Government, and as no allowance of drawback is contemplated, we are certainly under obligations to take care that our law be so modelled that they shall have all the benefit of the ensuing fishing season, to get off their old stock prior to the reduction in price, which will ensue from the repeal. Now this will not be the case, if it take effect on the first of July. For an inducement is here held out to the fishermen to postpone their fishing voyage until after that period; whereby they will get the salt without paying the duty, and yet have time enough to perform their voyage, and entitle themselves to the bounty. Now this is unjust to the merchant, who ought to be secured his market for the salt on which he has paid duties. It is also unequal to the fishermen. For those who take in their salt after the first of July, and get it without duties, and yet detain the bounty, can undersell those who have paid the duties to Government by taking the salt prior to that period. He thought the reasonableness of the proposal was so plain, that he trusted there would arise no opposition to the recommitment for this purpose.

Mr. Varnum.—There is one argument further on this subject, which has been omitted by my colleague, who made the motion to recommit the bill; but it is an argument on the other side. He proposes to continue the duties till the first of October. But it will be necessary for families in the country to lay in their salt for the season, before that period, so that, if the postponement takes place, they will derive no benefit from the repeal until the year following. I, therefore, hope that the motion to recommit the bill will not prevail.

Mr. Quincy said, that he had named the first of October, because it was a Treasury division of the year; and because it had been stated to him, by those interested in the salt business, that it was the only time which would completely preserve them from loss on the duties. If, however, when in Committee, the House, from other considerations, should deem an earlier day expedient, he should acquiesce in the first of September, or even of August. But nothing could be more obvious than that if the fishermen had the whole month of July to take their salt, they might get the bounty without paying the duty, and the merchant who had paid the duty would not be secured the whole market of the next fishing season. He trusted, therefore, that the House would at least see the necessity of striking out the first of July, whatever future date might be inserted, and so would consent to recommit.

The question on recommitting the bill was taken, and lost—ayes 29.

The question then recurred on passing the bill.

Mr. Quincy.—I see the current sets too strong in favor of a repeal, to be either resisted or varied, and had I only to consult my own feelings, I would content myself with giving a silent vote upon the final question. But the hopes of a numerous class of men are at stake—citizens, who have been induced, from the general policy of your laws, to vest their whole property in an important manufacture, are about to be ruined by an incalculable alteration in your system. They shall, at least, have the satisfaction of knowing that their interests were not without an advocate on this floor, however certain I may be that all efforts of mine, in the present disposition of the House, must be fruitless. As I shall put my negative on this bill, I shall use the common liberty, and assign my reasons for the vote I shall give. It is not my intention to enter into an examination of the peculiar fitness of this object, as a source of revenue; although much might be said on that point, I shall say nothing upon the general policy of releasing revenues at the present moment. The President has recommended it. That recommendation shall be as conclusive with me, as it seems to be with this House. I grant, so far as it respects the present argument, that our situation, both internal and external, is so unembarrassed, and so free from just cause of apprehension, that there is no present object on which to employ revenue, and none in prospect for which it can imaginably be necessary. I agree that all our differences with Great Britain are settled; that Spain is most amicably disposed; that France is only watchful how to promote our happiness; that there is nothing threatening on the public seaboard, nor on our frontier. I perfectly admit that our arsenals are full, our fortifications complete, that in naval and military preparation nothing more is to be wished. Whatever opinion I may hold as to any of these points, I know how utterly ineffectual any argument, founded on that opinion, would be upon this floor. I shall, therefore, confine myself wholly to such topics, as, I think, may possibly be influential, even on a body predetermined as I know this to be. My object shall be, to show the impolicy of a total abolition of the salt tax; and the policy, supposing we can do without any part of our revenue, of a partial abolition of this tax, and of affording, for the residue of the amount we can remit, relief upon other articles. And, for this purpose, I shall urge two general considerations; the importance of the salt manufacture, in a national point of view; the inequality and partiality of the distribution of relief among the people, by a total abolition of this duty, without reduction of any other.

The nature of this manufacture, its extent and importance, not only to the part of the country which carries it on, but in a national point of view, is not, I think, understood by this House. To the part of the country engaged in this business, its support is, indeed, an object of primary importance. In Barnstable county, and on Cape Cod, the manufacture is now principally followed. Many portions of this part of the country are condemned to eternal sterility and sand heaps. It happens that these, which are good for nothing else, are best suited to support the vats used in the manufacture; frosts, which, in better soils, would heave the buildings, do no damage in this. The individuals engaged in the manufacture, are, for the most part poor, and, in many instances, have invested their whole property in it; encouraged by the state of your laws, and believing they might calculate with certainty upon the continuance of the tax, at least to the amount of twelve cents, not only because salt is, in all countries, considered as one of the most eligible sources of revenue, but because, in this, it is, to that amount, a permanent tax, specifically pledged for the payment of the public debt. Whether the grounds of their calculation were not reasonable, and whether, on this account, no obligation results to this Legislature, the House will consider.

As to the extent of the manufacture, I am not possessed of all the information I expected, or should have had, if this bill had been permitted to pass through this House at the ordinary speed. But I am authorized to state that there are on Cape Cod more than three million of superficial feet of works; and that the capital invested in the manufacture exceeds four hundred thousand dollars, and that the quantity made the last year does not fall short of one hundred and fifty thousand bushels. I ask, is not this a state of manufacture worthy of the consideration of the Legislature, prior to voting its utter destruction? If, in the course of a very few years, scarcely more than four or five, this manufacture has arisen from absolute insignificance to so flourishing a state of prosperity, what would not be the result if it could rely upon a continuance of the existing encouragement for a number of years? It is not too much to say, that, in the course of ten or fifteen years, it would materially affect our imports, and in less than thirty render this country wholly independent of Europe for this important article. This is not a local concern. The manufacture is progressing southward. It already makes a capital object of attention on Long Island. And the time would not be long before the Southern States would commence the business. Their shores are equally suited to it and their climate more favorable.

But what is the importance of the manufacture in a national point of view? I answer, in the words of the President's Message, at the opening of this session: "Salt, a necessary of life, the free use of which is otherwise so important." Now, I ask, which is the readiest means to "the free use" of any article? To make it ourselves, or to be dependent for it on others? The strongest argument in the world, in favor of patronising this manufacture, is the very one used by the President, in effect, for its destruction. It is, because it is a necessary of life—because its free use is so important, that we ought to encourage the only means by which that free use can be secured to us, independent of all foreign control.

I ask, what would be the effect of war upon the price of this article? It is stated to me, that, during the American war, the price varied from two dollars and a half to nine dollars, specie, the bushel, on the seaboard; making an average of six dollars. As I have this statement only from one individual, and there may be some error, I shall not rely upon it. I will only state the average war price at three dollars the bushel. This, I confidently assert, is far below the experience of the American war. The average peace price of the article, I will state, far above the fact, at one dollar the bushel. The war price of this article will operate, then, as a tax of two dollars the bushel. Our future consumption can never be less than three millions of bushels. It follows that the tax upon this people, for a single year of war, on this article, cannot be less than six millions of dollars. The amount of tax proposed to be relieved by a total abolition of the salt duty is somewhat more than half a million—say, six hundred thousand dollars, annually. The tax of a single year of war, upon this article of salt, will, therefore, exceed eleven or twelve years of your peace savings by a total abolition. Now, is a manufacture like this altogether an object so trifling as not to enter into national calculations? Ought it to be sacrificed to any scheme of popular celebrity? If it is to be crushed, ought we not to have the most plenary evidence, that it is alone by this sacrifice that the people can obtain the most desirable and imperious species of relief? This brings me to my second object, which was, to show that a total abolition of the salt tax, in its distribution of relief among the people, was partial, and did not, in any due proportion, lighten the burdens of those classes in poverty, which ought always to be the first object of the national charity.

I ask, which of all the classes of society ought we first to relieve? Certainly the poor—the laboring classes—those who have no capital but the sweat of their brows? As property ought to be the first object to be taxed, so it ought to be the last to be relieved. When this subject was yesterday in the committee, I proposed as a substitute for a total abolition of the salt tax a partial abolition of that duty and an extension of relief to the inferior species of teas, to brown sugar and coffee. The proposition was made, as I then stated, on the spur of the occasion, to break the dead silence which reigned over the passage of the bill; to bring, if I may so express myself, the intelligence of this House, out of its concealed recesses into fusion upon this floor; that it might be seen of what metal it was composed. At that time it was treated as a project of popularity. I know too well the nature of man, not to be quite certain, that it will not be popular, though I am equally well convinced that it ought to be popular, not only in this nation, but in this House. Men are much more captivated, in general, by brilliant than by useful projects. The repeal of a whole tax, and the salt tax, too, is well calculated for a great popular effect. It will bring in an abundant harvest of reputation to its author, even among those to whom the relief will be very little—comparatively nothing; and that because they will not take the trouble to understand how it affects the whole nation. The laboring classes of the community receive but a very small portion of relief from a total abolition of the salt tax. The great benefit, comparatively the whole, results to the property of the country. I ask, who pays the tax? There can be no question—the consumer. Then, where is the consumption? By ascertaining that, we shall see where the weight of the salt tax falls, and whose burdens a total abolition of it will relieve.

The salt tax may be viewed in two points of view. As a capitation tax, and as a tax upon property. In the former shape alone, it affects the poor and laboring classes. In both, it affects the rich.

Considered as a capitation tax, it cannot possibly be more than ten cents an individual. For there are three millions of bushels consumed in the country, and our present white population is six millions, which is a consumption of half a bushel a head, which, at the present rate of tax, twenty cents per bushel, is ten cents tax on each individual. But the truth is, as a capitation tax, it is far less than this, as will be obvious from a single consideration. For, besides the white population of six millions, we have an additional population of one million of slaves, and, also, certainly, not less than one million of cattle, each of which consumes, it is agreed on all hands, as much also as half a bushel per head, annually. That is to say: we have one million of salt-eating cattle, and one million of salt-eating slaves, who consume, at half a bushel per head, one million of the three millions of bushels of salt which are consumed in the country. So that there remains only two millions of bushels to be averaged upon the white population of six millions. That is to say, the consumption of the white people cannot exceed one-third of a bushel of salt per head. This, at twenty cents tax, is a little above six cents upon each individual. So that a total abolition of the salt tax is, as it respects the poor and laboring classes, a reduction of six cents annual tax from the individual. Gentlemen from the interior, (whose constituents are interested in getting rid of this whole tax, because this they feel, while they feel, comparatively, no other,) may talk about the poor, as if they eat more than the rich, from their consuming more salt meat. But, a little consideration will show it is not true, or, if true, not in a degree to materially affect the argument. For, in whatever form the salt be eaten, no more than an average of one-third of a bushel per head, can be annually consumed in the country, for no more than that is there in the country to consume. Now, salt is an article of which all must eat a little, and no man can eat a great deal. And although in salt meats the poor may eat more than the rich, yet in a multitude of luxuries, in the waste and consumption of their servants and dependants, the balance of expenditure must inevitably be on the side of the rich. The truth probably is, that the expenditure of the laboring classes and poor, is much less than a third of a bushel per head. As a capitation tax it cannot be more than six cents. Now, let us see the real result of this captivating proposition of total abolition of the salt tax.

A poor man with seven in his family, the common average, is to be relieved from six cents per head—that is, from forty-two cents annual tax. On the other hand, a rich farmer or planter, with the same number of whites in his family, and a hundred head of cattle or slaves, pays, as well as the poorer man, a capitation tax of forty two cents. But he also pays, in the consumption of his cattle or slaves, ten cents per head. That is—ten dollars annually. So that, truly considered, this is a scheme to relieve such a laborer's family of an annual tax of forty-two cents, and, at the same time, to relieve such a rich farmer or planter of an annual tax of nearly ten dollars and a half. Now, I contend, that such farmers and such planters are not the first objects of national relief. As far as the salt tax is a capitation tax, it is a very light one. As far as it is a property tax it is a very equal one. While the rich farmer or planter with a hundred head of cattle or slaves pays ten dollars, the poor farmer, with a single cow, pays but ten cents. In its operation upon this class, every farmer or planter pays according to the stock he keeps. In other words, according to his riches. Now, is not this a scale by which all taxes should be graduated? The proportion in which the relief is to be shared in particular quarters of the country, and by particular classes, is out of all reason. Gentlemen say this is a rare case—we shall scarcely see the like again. I say, then, give us a just share of it on the seaboard, while it is going; and, what is still; in a national view, a greater object—thereby also save the salt manufacture.

The plan which I proposed yesterday would have both these effects. Gentlemen say this is a popular string. I abjure touching it for that purpose. It is the established principle of all wise finance. Let taxes bear last upon the poor and laboring classes; let them first be relieved. But here is a scheme to give a world of relief to the property of the country, and little, comparatively nothing, to the laboring classes; and that little altogether incidental. By reducing eight cents only upon salt; half a cent per pound upon brown sugar, six cents upon the inferior classes of teas, and one cent upon coffee, the same amount of relief would be extended to the community; only it would be differently distributed. Such a laborer's family, as I have mentioned, supposing that it consumed only twelve pounds of tea, twelve pounds of coffee, one hundred pounds of brown sugar, and three bushels of salt annually, would be relieved of somewhere about one dollar and sixty cents annual tax, instead of forty cents, as by the present scheme. On the other hand, such a planter's family, with his hundred slaves or cattle, will still be relieved from above five dollars and a half annual tax. And it seems to me that gentlemen from the interior ought to be content with such an abatement, particularly as, by not claiming such an exorbitant proportion of the relief contemplated, they save the salt manufacture to the country.

A total abolition is not only unequal as it respects the classes, it is also as it respects the natural sections of the country. It is agreed on all hands, the interior, the South and the West, consume more salt; and it cannot be denied that the inhabitants of the seaboard consume more of the articles I have mentioned, as well as of other imported articles, than the inhabitants of the other parts of the country. They must necessarily, not only from their populousness, but from their habits and necessities. Now, if the former bear hard upon you, the latter bears hard upon us. If, in the original establishment of the system of taxes, articles were chosen and the amount of tax arranged so as to make the whole mass of taxation fall equally upon every part of the country; if in relieving taxes you take off altogether the tax upon one article, the consumption of which is, beyond comparison, the greatest in one quarter, and relieve nothing from those the consumption of which is greatest in another; what is this but destroying the whole equilibrium of the system?

The character of this policy is still more strikingly elucidated by considering it in relation to another part of the act. This is not only an act for the abolition of the salt tax, it is also an act for the continuance of the Mediterranean fund. It might easily be shown that the consumption of the articles on which this fund arises, is beyond proportion greater along the seaboard and in the cities than in the interior. When that act was passed, had any individual alleged upon this floor, that, under this act, it was intended, by the prevailing influence, to throw off the salt tax, which was the chief burden on particular sections, a suggestion of that kind would have been treated as an insult, and we should have been pointed to a specific pledge contained in that act, which provides that the Mediterranean fund should cease within six months after the war in that sea had ceased. But what is the fact? The war has ceased—the fund is continued. It gives nearly a million of dollars. The salt tax is little more than half a million. The former is kept alive, and is made the efficient reason for the repeal of the latter. In truth, this act, instead of being denominated "An act repealing the duty on salt and continuing in force the Mediterranean fund," ought to be entitled "An act repealing the only tax which obliges the South, the West, and the interior, to bear a just proportion of the public burdens, and for the continuance of all existing, and the further imposition of a new tax, chiefly paid by the seaboard and the cities."

With such a title, it ought to be sent out, in company with other acts, such as were passed the last, and will probably be passed this session, entitled "Acts of appropriation for the fortification and defence of the ports and harbors of the United States." This is a twin policy with that. They have both the same parentage, and there is between them a perfect family resemblance. There is as much real protection to those parts of the country which deserve protection in the one, as there is real relief to those classes of the people, which deserve first to have the benefit of relief, in the other.

Mr. VARNUM.—I shall not attempt to follow my colleague (Mr. QUINCY) through all the arguments he has advanced on the bill. I shall notice a single observation that has fallen from him, concerning the local operation of the repeal. It has been often asserted in this House, at former periods, that certain measures operated locally, and were intended to benefit one part of the Union at the expense of another. I recollect this was the fact in regard to the tax on carriages. It was contended then that the repeal of the tax was calculated in particular to relieve the Southern States, whereas Massachusetts paid her full proportion of that tax. So now again there is an attempt to impress the belief that the repeal of the duties on salt is calculated to favor the South and the West, to the prejudice of the East. Sir, there is as much salt consumed in the Eastern, as in the Southern and Western States. In New Hampshire, except a small district on the seashore, which is inconsiderable, the consumption is great. Such is the fact throughout Vermont, and also throughout Massachusetts, excepting only a narrow tract on the seashore. The Eastern States are, therefore, as much interested in the repeal of those duties as any part of the Union.

Mr. **Bidwell.**—The principal arguments urged by my colleague against the bill under consideration, appear to be two. 1st. That it will ruin the manufacturers. 2dly. That the benefit of the measure will be unequal. But, shall the interest of a few manufacturers, a few hundreds only, or a few thousand if you please, be put in competition with the general interests of the country? As to the second objection, that the benefits of the measure will not be enjoyed equally, the gentleman states that one man will be relieved from a tax of only forty-two cents, and another will be relieved from the burden of ten dollars. This is the very reason why the duties ought to be repealed. If they fall so unequally, they ought at once to be done away. The gentleman, in the abundant resources of his ingenuity, could not have invented a stronger argument for the repeal, since, by his own acknowledgment, the duties are now so unequal that one man is compelled to pay ten dollars, and another pays only forty-two cents.

As to the objection that this measure is designed to favor the South, I would observe that the Eastern States, with the exception of only a very few inhabitants on the seacoast, are as deeply interested in the repeal as any quarter of the Union.

Mr. **Holland.**—The first argument urged by the gentleman from Massachusetts, (Mr. Quincy,) who spoke against the bill, is, that the repeal of the duty will destroy the manufactures of salt. But, supposing such to be the fact, who is to blame? Those only who have been such forward speculators in this manufacture. They have had ample notice, for it has been well understood for several years that Government designed to relinquish these duties as soon as they could be dispensed with. This is the first time I ever heard that salt was not used by the poor. I had always thought that the rich and poor used about the same quantity, and that a tax on this article approached very near a capitation tax. The poor have cattle also to eat salt. The tax is felt more by the poor than by the rich. The manufacturing of salt is not confined to Massachusetts. The business is carried on in Virginia, where immense sums have been imprudently laid out in that way, and several adventurers ruined by the result. I apprehend no danger to the public from checking such extravagant manufactures.

Mr. **G. W. Campbell.**—I rise only to observe that the people of the Western States, at least of Tennessee, have no particular interest in passing this law. More salt is manufactured than is consumed there, so that some of the inhabitants on the east of the mountains are supplied from those manufactories.

Mr. **Broom.**—I cannot reconcile it to myself to give a silent vote upon the final passage of this bill, because it contains two distinct propositions widely different from each other, and which are by no means equally acceptable to me. The one to abolish the specific duty on salt, the other to impose additional duties ad valorem. To the first I cordially assent, to the latter I have serious objections. I am happy that I had an opportunity, whilst this bill was passing through its several stages, to record my vote separately for the abolition of the salt duty and against the continuation of the additional duties. The question now is, Shall this bill pass? And we are now to consider whether it will be productive of more good than injury. I could have wished that these two provisions had been made the subjects of separate bills in order that the sense of the House and of the nation might be distinctly ascertained upon each, without the influence of one upon the other; but a different course has been pursued, and the House is now called on to decide whether they will abolish the duty on salt, although coupled with the encumbrance of the Mediterranean fund, or reject the bill altogether. It has been well calculated, that thus situated, our earnest zeal to remove the salt tax will make us less sensible of the imposition of the additional duties, and that our regard to personal popularity may make us yield to a tax of which the great mass of the people is not sensible, rather than hazard an opposition to the removal of one which the whole community knows and feels. By this political contrivance the additional tax is so well seasoned to the taste of the people, that it is presumed they cannot fail to relish it. I wish to be understood that I am in favor of the repeal of the duty on salt, and I congratulate the House upon the unexpected change in their opinion on the subject since the last session. We have been repeatedly pressed to abolish this duty, but an imposing majority has hitherto prevented it. I am happy that the propriety of the measure has been discovered even at this late day, and I shall not inquire whether this change has been produced by a sense of this propriety, by the President's recommendation, by the desire of conforming to the popular wish, or by a dread of popular indignation. I wish it also to be understood that I am opposed to the imposition of the additional duties; and, as it is a duty which I owe to myself, I trust the House will indulge me while I explain the reasons of my opposition, and account for the vote which I shall this day give. I am not against granting money in case money is wanted—far be it from me even to wish to paralyze the arm of Government, or to embarrass its operations. If gentlemen will condescend to demonstrate the necessity of this tax, with all my heart I will vote for it, and hazard its due application to the purposes for which it is asked. But when not even a glimmering of light is given us, and we are obliged to grope our way into darkness, we must each trust to the light of our own understandings. We ought to know before we lay taxes the necessity of laying them. It is sporting with the resources of the nation to call by new taxes for money when there is more already in the Treasury than we will use. In searching for the reason of this tax we are naturally led to consider in the first place the expenditures of Government and resources to meet them.

By the report of the Secretary of the Treasury, at this session, we find that he estimates the expenditures of Government for 1807 (including the extraordinary appropriation of two millions made at the last session) at $14,100,000.

To meet this expenditure we have of permanent revenue, exclusive of Mediterranean fund and salt duty,	$13,000,000,
And a balance in Treasury, January 1, 1807,	4,000,000,
Making in the whole	$17.000,000
And leaving a balance in the Treasury at the end of this year of nearly	$3.000,000

For the year 1808, according to the Secretary's plan for redeeming the public debt, there will be wanted for the public debt,	8,756,000
For all other expenses of Government, including $400,000 for contingencies,	3,900.000
	$12,656,000
To meet this expenditure we have of permanent revenue, exclusive of Mediterranean fund and salt duty, at least	13,000,000
Balance in Treasury January 1, 1808,	3,000,000
Making in the whole	$16,000,000

The Mediterranean fund cannot, therefore, be wanted for any purpose in contemplation during the years 1807 and 1808. For the average revenue from 1809 to 1815 inclusive, the Secretary calculates on $14,000,000, exclusive of the Mediterranean fund, and without calculating the revenue from New Orleans. Supposing then this last mentioned revenue to supply the deficiency occasioned by the repeal of the salt duty, the revenue may still be calculated at $14,000,000 from 1809 to 1815.

As the laws now are, all the expenditures of Government during these years, including the provision for the public debt, will be $8,500,000, leaving an annual surplus of 5½ millions; but if the proposed plan of the Committee of Ways and Means for the payment of the public debt, should be sanctioned by law, and assented to by the creditors, there will then be wanted for the expenditures of Government, nearly $12,000,000, leaving in this last case an annual surplus of $2,000,000.

The calculations of the permanent revenue are made by the Secretary on the lowest possible scale; for they are made on the basis of the revenue received during a year of European peace, with a proper allowance for our increase in population and wealth, and without including many incidental branches of revenue. If then, this tax is not wanted to support Government, or to provide for any contemplated scheme for the redemption of the debt, or for any other designated object, why should we grant it? There is one reason given, for which I must give credit to the gentleman from Pennsylvania (Mr. SMILIE.) He called for the reading of it yesterday, and seemed to consider it, without any comment, as a conclusive argument. It was the President's Message recommending the measure. I could scarcely have expected from the majority of this House, so nearly approximated as they are to the people, so little jealousy of Executive influence, and such avowed submission to Presidential recommendation. The message was read—it was too plain to be misunderstood, and of itself argument sufficient, and the House was prepared to lay the additional duty. This is certainly an easy mode of managing the business of legislation, but by no means the most honorable to ourselves, or useful to our constituents; we are not sent here merely as the instruments of taxation, but as men invested with discretion to measure out the burdens of the community and to administer to the wants of the Government, according to our own views of the right of the latter, and the necessity of the case. The recommendation of the President may possibly proceed from the best and most patriotic motives; but yet he may err. The soundest policy may justify the tax which he recommends, and it may be our duty to impose it; but of this we ought to be convinced before we sanction it. Now, let me ask, what reason is given to justify this call for money? Are we not told that our Treasury is full and flowing over, and that the Constitution must be amended to enlarge the federal trust and give us an opportunity of getting rid of it? Why, then, this great anxiety for more money? Do we not know the danger of too much? Have we not been told by high authority that too much money may lead to war? Why then do we wish to run with our eyes open headlong into temptation, and involve ourselves in that hurtful practice of injuring one another? Why accumulate that evil which may obstruct the progress of brotherly love and universal philanthropy?

I beg the House to reflect that the question is not now whether we shall take off a tax of one million of dollars, but simply whether we shall lay on that tax. The tax ceases by its own terms with the cause which produced it, and if no law is passed to impose this tax again, the 4th of March will find the people relieved from its burden, and the law itself consigned to its rank among the musty rolls of expired laws. When this tax was laid, the people submitted to it without a murmur. It was a voluntary contribution; and I might almost say that humanity, charity, and patriotism, were the donors. The feelings of the nation were roused for the protection of our commerce and seamen against the pirates of Barbary, and in the moment of generous national excitement this additional duty was laid—not as a matter of revenue, but for the sole avowed purpose of protecting our seamen and commerce, and for carrying on warlike operations against the hostile Barbary Powers. And so particular were the provisions of the law, that a separate account was to be kept, that the people might see whether it was faithfully applied to the purpose for which they generously intended it. By the same law the faith of the nation was pledged that the duty should cease three months after a treaty with Tripoli, unless the United States should be at war with some other Power. Now mark the sequel. The war was ended, a treaty with Tripoli concluded, and this productive duty was to cease for ever.

The money was too convenient to be so easily parted with. But what was to be done? All were desponding, when, on a sudden, a speck of war was discerned in the horizon of Barbary. The intelligence was communicated to Congress and the tax was to live yet a year longer. The moment of dissolution is now approaching, but the money is as convenient as ever and the tax must still live; and now the policy is to keep this additional duty, which produces a million of dollars, and amuse the people with the release of the salt tax, which produces but half the money. It is not now even pretended that any wars or rumors of wars exist between us and any of the Barbary Powers; and we are not told that the money is wanted for any other definite purpose; we are only told by the President that the tax ought to be continued, and in order to make it more popular, he tells us that it is levied chiefly on luxuries. Notwithstanding this high authority I cannot help suspecting that upon examination this tax will be found to bear chiefly on articles which the habits and manners of civilized nations have made necessary to their comfort. There are three rates of ad valorem duties; the lowest is applied to the most necessary articles, such as wood and iron work, and linen, woollen, and cotton goods.

The highest rate is applied to articles the least necessary, and of which it is the policy of Government to restrain the importation.

The value of articles of the lower rate, by the report laid on our table this morning, is $37,000,000.

The value of articles of all other rates is something more than $7,000,000.

The first class produces a revenue, exclusive of the Mediterranean fund, of $4,188,000.

The other classes produce a revenue of but $1,168,000.

The inference then is, that this additional duty, ad valorem, bears chiefly not on luxuries, but on necessaries.

I cannot help thinking, therefore, that this tax is not laid with a view to restrain luxury, but because it is convenient and productive, and has been at a fortunate moment ingrafted on our collection laws without complaint. If this tax is wanted to put the country in a state of defence, by fortifications or military or naval preparations, let gentlemen tell us so, and considering the fund pledged for that purpose I will freely vote for it. If it is wanted for any other purpose, let us know the purpose and alter the title of the bill to correspond with it. But why should we resort to this assumed name, and raise the money to protect our seamen and commerce against the Barbary Powers, when we know in our hearts that not a dollar of it will be applied to that purpose? Are we afraid the people should know our object? These, Mr. Speaker, are my reasons for objecting to so much of the bill as continues the additional duties. The question now is, whether the bill will do more good than injury; and considering that the relief of the salt duty is permanent, while the additional duties are but temporary, I am reconciled to vote for the bill, having first protested against its objectionable parts, that I may not in future be pledged to vote for the further imposition of the national duties.

Mr. Dana.—I concur with my friend from Massachusetts (Mr. Quincy) in the opinion, that a reduction of the duty on salt would be more proper than a total repeal. According to my apprehension of the subject, a moderate duty on salt ought not to be considered as generally oppressive, although it may be thought burdensome in certain parts of the country. Considering the present state of our revenues, I would reduce the duty on salt; for I think the sum of twenty cents per bushel to be more than the average rate of duty on the great mass of imports. Various articles, indeed, are subjected to much heavier duties; but they are such as have less claim to relief. In a financial view of the subject, a reduction of the duty on salt appears preferable to a repeal, as it would be favorable to an equalisation of impost. The residuary portion on salt would authorize a reduction of duties on other articles which are in general use, and still are charged with impost above the average rate. This reduction of duties on various classes of articles, which are consumed by the laboring portion of the community, would operate to extend more equally the relief from taxation. But the popular attention has been so strongly attracted towards a repeal of the duty on salt, this has been rendered so much the theme of popular regard, that I have no expectation that any efforts would now persuade the House to decide in favor of such an equalisation of imposts as appears to be proper, whether we regard the principles of finance or the relief of the people. Under existing circumstances, a total repeal of the salt duty, or no relief from taxation, is the alternative, on which our votes are required. In this view of the subject, my opinion is decided to vote for the repeal.

Yet, why must a repeal of the salt duty be connected with the imposition of additional duties on other articles? According to the Secretary of the Treasury's report on the finances, of the 5th of December, 1806, the proceeds of the additional duties, called "the Mediterranean fund," amounted to more than a million of dollars for one year. The product of the impost on salt, for the same year, was less than six hundred thousand dollars.—(See note A.)

The bill before the House contains one section for repealing the salt duty, and another section for continuing the Mediterranean fund. In other words, it proposes to relieve the people from a specific duty, amounting to about half a million of dollars, and to lay upon them duties, ad valorem, to the amount of about a million.

No reasons are given, officially, which appear to me sufficient for requiring these additional duties. As one of the Representatives of the people, I cannot consider it my incumbent duty submissively to acknowledge the irresistible force of Executive argumentation.

In the month of March, 1804, after the loss of the Philadelphia frigate, on the coast of Tripoli, an act was passed under the title of "An act further to protect the commerce and seamen of the United States against the Barbary Powers. By the first section of this act, all imports subject to duties, ad valorem, were charged with the additional duties of two and a half per centum. These new duties were imposed expressly for the purpose of defraying the expenses of naval armaments and warlike operations against Tripoli, or any other Power of Barbary which should make war against the United States, and for the purpose of defraying other expenses which might be incident to the intercourse with the Barbary Powers. The second section required a distinct account to be kept of these additional duties, the proceeds of which were to be denominated "the Mediterranean fund," and to be applied solely to the purposes designated by the act. The same section contained a limitation, by which the whole of this additional impost was to cease at the expiration of three months after the conclusion of peace with Tripoli, unless the United States should then be at war with any other of the Barbary Powers.

During the last session of Congress, a Treaty of Peace with Tripoli was ratified, and no other Barbary Power was at war with the United States. Of course, all the additional duties were soon to cease, by the terms of the act which imposed them. But, it may be recollected, during the same session, there was, in this country, a Turk. called the Tunisian Minister. He, it seems, for some cause, thought proper to say something about a present for the Bey of Tunis, and about a war in case of refusal. On the 14th of April, 1806, the President of the United States made a communication to Congress, relative to the affair, and relative to the Mediterranean fund. The Message of the President was in these terms:

"During the blockade of Tripoli, by the squadron of the United States, a small cruiser, under the flag of Tunis, with two prizes, all of trifling value, attempted to enter Tripoli, was turned back, warned, and attempting again to enter, was taken and detained as prize by the squadron. Her restitution was claimed by the Bey of Tunis, with a threat of war, in terms so serious that, on withdrawing from the blockade of Tripoli, the commanding officer of the squadron thought it his duty to repair to Tunis with his squadron, and to require a categorical declaration, whether peace or war was intended. The Bey preferred explaining himself by an Ambassador to the United States, who, on his arrival, renewed the request, that the vessel and her prizes should be restored. It was deemed proper to give this proof of friendship to the Bey, and the Ambassador was informed the vessel would be restored."

"Afterwards he made a requisition of naval stores to be sent to the Bey, in order to secure a peace for the term of three years, with a threat of war if refused. It has been refused; and the Ambassador is about to depart, without receding from his threat or demand."

"Under these circumstances, and considering that the several provisions of the act of March twenty-fifth, one thousand eight hundred and four, will cease, in consequence of the ratification of the Treaty of Peace with Tripoli, now advised and consented to by the Senate, I have thought it my duty to communicate these facts, in order that Congress may consider the expediency of continuing the same provisions for a limited time, or making others equivalent."

After Congress had received this Message, the first section of the act, that which imposed the additional duties ad valorem, was continued in force. The chief effect of the threat mentioned in the Message seems to have been the addition of about a million of dollars to the revenue. As to anything further, the threat was so little regarded, that you did not vote seamen enough to enable the Secretary of the Navy to send a relieving squadron to the Mediterranean.

By the terms of the act continuing the additional duties, they are to cease at the close of the present session of Congress. And again, we are called upon to continue them until the end of another session. Yet, there is no war nor menace of war with any of the piratical States of Barbary. What other reasons are now assigned for continuing the additional duties? And, if they are still to be levied, why is this to be done under the name of "An act further to protect the commerce and seamen of the United States against the Barbary Powers?" They are no longer appropriated for the purposes of such protection.

The official reasons for continuing these duties, are to be found in the communications of the Secretary of the Treasury or the President of the United States. On the 18th of December, 1806, the Secretary of the Treasury addressed a letter on this subject to the chairman of the Committee

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NOTE A.

Product of duty of two and a half per cent., during the year 1805	$1,038,440 30
Product of duty of three and a half per cent. retained on drawback	6,647 72
Product of extra duty of ten per cent. on merchandise, imported in foreign vessels	6,227 15
Product of the additional duties in 1805	$1,051,315 17
Salt paying duty, during the year 1805, 2,816,455 bushels of 56 lbs., at 20 cents	$563,291 00

of Ways and Means. In that letter, I find these observations:

> "If no other expenses whatever shall be incurred, but such as are already actually authorized by law, neither the salt tax nor the Mediterranean fund are any longer wanted. The propriety of continuing the last-mentioned fund for a limited time might be decided by considerations connected with the political situation of the United States. For it is only to provide for the speedy payment of any contemplated acquisition of territory, without creating a new debt, or in case of war, that the fund can be wanted. Under existing circumstances, I should think it consistent with prudence to continue it for one year longer."

Here it is proper to correct an error in the observations which I had the honor of submitting to the House yesterday. On a hasty perusal of the letter from the Secretary of the Treasury, I had supposed that these additional duties might be wanted as a fund towards discharging the extraordinary two millions of dollars, appropriated in conclave during the last session of Congress. This opinion was erroneous; and I owe it to the Secretary of the Treasury to correct the error. In a more attentive examination of his letter, it appears that this additional revenue is not wanted as a fund towards defraying any expense already actually authorized by law. The expenditure of the two millions was actually authorized by a law of the last session. And it appears, from the Secretary's report on the finances, that provision is already made for satisfying the whole of this extraordinary charge on the Treasury. So that the additional impost is not wanted at all, on account of extraordinary foreign intercourse, unless, indeed, there should be a demand for, perhaps, a million of dollars, in ready money, to be added to the two millions voted at the last session. As I did not assent to that vote, it is not to be expected that I should consider such a reason as sufficient for the levying of additional duties.

In the Message of the President of the United States, at the commencement of the present session, there is another official reason. Permit me, sir, to read that part of the Message to which I refer:

> "The duties composing the Mediterranean fund will cease, by law, at the end of the present session. Considering, however, that they are levied chiefly on luxuries, and that we have an impost on salt, a necessary of life, the free use of which is otherwise so important, I recommend to your consideration the suppression of the duties on salt, and the continuation of the Mediterranean fund, instead thereof, for a short time, after which that also will become unnecessary for any purpose now within contemplation."

The reason here assigned, is, that of a sumptuary law for taxing luxuries. Although some of the articles paying duties ad valorem may, perhaps, be deemed such, it seems to be at least questionable, whether they ought generally to be denominated luxuries, unless we are to understand the term in a sense materially different from the usual acceptation.

In the month of December, 1801, the Secretary of the Treasury made a report to Congress, in pursuance of the act supplementary to the act, entitled "An act to establish the Treasury Department. With that report, he presented various statements relative to the revenues of the United States. One of them is a *table of duties*, on merchandise imported. By recurring to this table, we may be assisted in forming a judgment, whether the articles paying duties ad valorem are chiefly luxuries, or whether they are chiefly, not only convenient, but rendered necessary by habitual use, and by a regard to the decencies of civilized life.

The imports are arranged under three heads—*articles free of duty, articles paying duties ad valorem, and articles paying specific duties.* The duties ad valorem are stated at various rates—twenty per cent., fifteen per cent., and twelve and a half per cent. To all these rates of duty, there has been the addition of two and a half per cent., under the act of March, 1804. Formerly, twelve and a half per cent. was the lowest rate; but since that act went into operation, no articles paying duties ad valorem are charged with less than fifteen per cent. Accordingly, if you examine the last statement of duties and drawbacks for three successive years, as laid before the House by the Secretary of the Treasury, you will find no entry, in the year 1805, for duties received at the rate of twelve and a half per cent. ad valorem. But you will find the old twelve-and-a-half and the new two-and-a-half combined, in a duty of fifteen per cent., and amounting to about six millions of dollars. After deducting the drawback of duties for the same year, the net revenue derived from this source was five millions.—(See note B.)

If gentlemen have attentively examined the financial policy which has been pursued in this country with respect to former duties on imports, they must know it has been a general principle of the system to lay only the lowest rate of impost ad valorem upon articles of necessary use; articles consumed by the great mass of free population; articles not chiefly used by the rich, the elegant, the fashionable, or the prodigal.

The articles charged with the lowest duties ad valorem appear, from the Secretary's table of duties, to consist principally of manufactures of wool, cotton, silk, hemp, flax, and wood. They are chiefly linens, cottons, woollens of various descriptions, and comprehending the ordinary or

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Note B.

In the year 1805.	Duties rec'd.	Drawback payable.
On merchandise paying duty at fifteen per cent. - -	$2,792,800	$834,456
On merchandise paying duty at sixteen and a half per cent., one tenth being added in cases of importation in foreign vessels - - -	338,539	151,949
	$3,131,339	$986,405

Net revenue from the lowest duties ad valorem - - - - - - - $5,144,934 coarse fabrics which are worn by the laboring and industrious portions of the community. These are articles of indispensable use, unless persons are to live in society like the cattle in the fields, or like the slaves in some parts of the West Indies.

The articles in question are so generally regarded as articles of first necessity, they are so much wanted by the great body of the community, the consumption is so universal, that the impost on them for a single year gives a net product of five millions of dollars. In estimated value, the articles liable to the several duties ad valorem constitute about one half of all our imports.—(See note C.)

If the object of the President's recommendation was that of a sumptuary law, if we continue the additional duties upon this principle, we must consider the articles of ordinary clothing as luxuries; we must act upon the supposition that everything is a luxury which is not absolutely essential to the support of animal existence. Some idea of this sort has been formerly advanced, I think, by *Mandeville*, in his "Fable of the Bees." If such was the President's meaning in speaking of the duties ad valorem, as being levied chiefly on luxuries, we are presented with an innovation in language under the form of official information. Is this to be recognised as a reason for taxing the great body of the community? Such are the official reasons for additional taxation. Do we find any reason for it in the measures adopted by Congress at the present session? As yet, no legislative act has been passed for authorizing any expenditures which can require the additional duties.

Indeed, sir, it is not a little extraordinary that we are called upon to tax the people, while we are invited to consider a project for expending future surplusses of revenue, a project for preventing accumulations of money in the Treasury. In pursuance of this recommendation, a select committee of seventeen has been appointed. It is a committee for considering measures by which the surplus revenue may be absorbed. A gentleman from Vermont (Mr. ELLIOT) has called it the Committee of Ways and Means, No. 2. The chairman of it is the gentleman from Massachusetts, who has spoken several times about the duty on salt, (Mr. BIDWELL.) As yet, we have no report from this committee of absorption; nor do I learn that a quorum has ever been assembled.

I admit the force of the observation made by a gentleman from Pennsylvania, (Mr. J. CLAY,) that the proposed continuation of the additional duties is temporary, and that the impost on salt is laid without limitation of time. In a question between paying a million of dollars for one year, and an annuity of half a million in perpetuity, it is evident, the payment of a million will be the cheapest in the result. If no relief, as to the salt duty, can be had on any other terms, if we are reduced to the necessity of making this sort of bargain for the people or leaving them to pay the half million annually forever, it is clearly the best calculation to admit the tax of a million of dollars for one year.

But will not the tax be called for again? It seems to be continued with singular facility from year to year. Without adequate official reasons; without appropriations to require it; without the discussion usually had in cases of less moment; or, perhaps, some intimation; for some cause not distinctly explained; year after year; under a specious form of words, members of this House are found ready to pass a bill for levying these additional duties.

When the further continuation of additional duties is spoken of as a measure of precaution, I can understand the general force of the observation as relative to the exigencies of our situation. I admit its validity, if understood with reference to providing means of defence. In the present convulsed state of the world, while the hostilities between foreign Powers have such extensive consequences; amidst controversies which seriously affect our external relations; amidst rumors of extraordinary movements within our own borders; after all the urgent applications for a more protective system with respect to a portion of the country peculiarly situated, and of eminent importance to our commerce and revenue, where adequate provision for the defence of a single State would form a barrier for various other States; under this view of affairs abroad and at home, I would give no cause for the reproach of withholding the proper supplies. When the safety, the honor, the liberty, of my country, are concerned, I deem it my duty, as a member of this House, to vote supplies corresponding to the exigencies of the time. In such cases, if the cause requires pecuniary means, I disdain to act the niggard. However unpopular, however odious it might be for the moment to impose taxes, I ought to prefer the public interest to popular prejudice. Provision for the common defence is a momentous subject of deliberation; it is a subject on which we may have yet to act. With a view to efficacious measures of security, I can admit the propriety of voting to continue the additional duties. They will add a million to the revenue.

With these sentiments, I purpose to vote for the bill on your table; although, without the additional duties, the Treasury statements authorize us to expect a surplus of three millions, after satisfying all the estimates of expenditures for the current year. According to my view of the subject, the observations of my friend from Delaware (Mr. BROOM) have fully established this position. Indeed, he has been so far from exceeding what the Treasury documents will warrant, that, in my apprehension, he might fairly have argued that

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NOTE C.

Within the year ending Sept. 30, 1805.	Value of goods paying duties ad valorem.
Imported in vessels of the United States	$44,833,857
Imported in foreign vessels - - - -	2,475,050
Estimated value of articles liable to duties ad valorem - - - - -	$47,308,907

there would be a greater surplus. In support of this idea, and in addition to what he has said, it may be remarked, that the Secretary of the Treasury has taken the revenue for the current year at an estimate clearly within limits. It is not improbable that the surplus will be at least one million more than has been mentioned by my friend from Delaware. According to the Secretary's report, the revenue of the customs, after deducting the product of the additional duties, may be safely estimated at thirteen millions of dollars, a less sum than accrued during the year 1805; after making a similar deduction. And we learn from the same report, that the net revenue of the three first quarters of the year 1806, exceeds that of the corresponding quarters of the year 1805.

The probable increase of the revenue may be inferred from another consideration. In consequence of the credits allowed for duties of the customs, it is well known that the receipts of the Treasury, for any given year, depend essentially on the amount of importations during the year preceding. On examining the last Treasury statement of importations, they will be found to have considerably exceeded those of former years.

These are some of the reasons which induce me to believe, that the revenue will be increased at least a million of dollars, if not a million and a half or two millions, and perhaps to a greater amount. I am the more confirmed in this opinion, when I reflect that the receipts at the Treasury have generally, if not uniformly, exceeded the estimates of revenue presented to Congress from the Treasury Department. Such is the peculiar situation of our country and the increase of its resources, and such, of consequence, the progress of the revenue, that the actual product from year to year, has been found to surmount the official calculations submitted to the Legislature. We may therefore regard it as probable that, after satisfying the ordinary estimates, the surplus of revenue for the current year, including the product of the additional duties, will exceed five millions of dollars.

With such ample means, it may be hoped that some measures will be adopted, with a view to an adequate system of defence.

The question was now taken that the said bill do pass, and was resolved in the affirmative—yeas 122, nays 5, as follows:

Yeas—Evan Alexander, Willis Alston, jun., Isaac Anderson, John Archer, David Bard, Joseph Barker, Burwell Bassett, George M. Bedinger, Silas Betton, Barnabas Bidwell, Phanuel Bishop, John Blake, jun., Thomas Blount, James M. Broom, Robert Brown, John Boyle, William A. Burwell, William Butler, George W. Campbell, John Campbell, Levi Casey, John Chandler, Martin Chittenden, John Claiborne, Joseph Clay, Matthew Clay, George Clinton, jun., Frederick Conrad, Leonard Covington, Richard Cutts, Samuel W. Dana, Ezra Darby, John Davenport, junior, John Dawson, William Dickson, Theodore Dwight, Elias Earle, Peter Early, James Elliot, Caleb Ellis, Ebenezer Elmer, William Ely, John W. Eppes, William Findley, James Fisk, John Fowler, James M. Garnett, Charles Goldsborough, Edwin Gray, Andrew Gregg, Silas Halsey, John Hamilton, Seth Hastings, William Helms, James Holland, David Holmes, David Hough, John G. Jackson, Walter Jones, James Kelly, Thomas Kenan, Nehemiah Knight, John Lambert, Joseph Lewis, junior, Henry W. Livingston, Edward Lloyd, Matthew Lyon, Duncan MacFarland, Robert Marion, Josiah Masters, David Meriwether, Thomas Moore, Jeremiah Morrow, John Morrow, Jonathan O. Mosely, Jeremiah Nelson, Roger Nelson, Thomas Newton, jun., Gideon Olin, Timothy Pitkin, junior, John Porter, John Pugh, John Randolph, Thomas M. Randolph, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, John Russell, Peter Sailly, Thomas Sammons, Thomas Sandford, Martin G. Schuneman, Ebenezer Seaver, James Sloan, Dennis Smelt, John Smilie, John Smith, Samuel Smith, Henry Southard, Richard Stanford, Joseph Stanton, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, David Thomas, Philip R. Thompson, Thomas W. Thompson, Uri Tracy, Abram Trigg, Killian K. Van Rensselaer, Joseph B. Varnum, Daniel C. Verplanck, Matthew Walton, John Whitehill, Robert Whitehill, David R. Williams, Marmaduke Williams, Alexander Wilson, Joseph Winston, and Thomas Wynns.

Nays—Isaiah L. Green, Gurdon S. Mumford, Josiah Quincy, Eliphalet Wickes, and Nathan Williams.

PUNISHMENT OF CRIMES.

The House took up the report of the Committee of the Whole on the bill providing for the punishment of certain crimes against the United States.

The amendments proposed to the first section were agreed to.

The whole of the second section was struck out.

On agreeing to the new section, proposed by Mr. Bidwell, Mr. Elliot spoke at considerable length against it—when the House adjourned without deciding upon it.

Wednesday, January 14.

Mr. Boyle, from the Committee on the Public Lands, who were instructed by a resolution of the House, of the ninth instant, "to inquire into the expediency of offering for sale the public lands situate between the United States' military tract and the Connecticut Reserve, to which the Indian title has been extinguished," presented a bill making provision for the disposal of the public lands situated between the United States military tract and the Connecticut Reserve, and for other purposes; which was read twice and committed to a Committee of the Whole on Friday next.

Mr. Early, from the Committee of Commerce and Manufactures, presented a bill authorizing the erection of certain light-houses and the fixing of stakes, buoys, and beacons, at certain places therein named; which was read twice and committed to a Committee of the Whole on Monday next.

Resolved, That the Committee of Commerce and Manufactures be instructed to inquire into the expediency of extending to the revenue districts on Lake Erie, and within the State of Ohio, the provisions of an act, entitled "An act to extend jurisdiction in certain cases to State Judges and State Courts;" and that they report by bill, or otherwise.

PUNISHMENT OF CERTAIN CRIMES.

The House resumed the consideration of the report of the Committee of the Whole, on the bill providing for the punishment of certain crimes against the United States.

The Committee reported an additional section, introduced by Mr. **BIDWELL**, as follows:

SEC. 6. *And be it further enacted,* That if any person, for whose keeping of the peace and being of good behaviour, a recognisance shall hereafter be entered into, in pursuance of the laws of the United States, shall, without the limits of the United States, carry on, or aid in carrying on, or begin, or set on foot, or provide or prepare the means of a military expedition or enterprise against any foreign Prince or State at peace with the United States, such recognisance shall thereby be forfeited.

Mr. **DANA** opposed the section. It went to punish acts done without the jurisdiction of the United States, and within the territorial limits of foreign Powers. The section was also partial in its operation, comprehending one class of men, and excluding all others. It operates, said Mr. D., only on those who have given a recognisance to keep the peace and be of good behaviour. If it is proper to punish such acts at all, every person ought to receive the same measure of justice.

The United States are not responsible for the conduct of their citizens while under the territorial jurisdiction of foreign Powers. Every nation is responsible for the acts of those citizens who are within its own limits. Our citizens may engage in the service of foreign Powers at war, without violating our neutrality. Such has been the well known usage in Europe. This section contains a principle unprecedented, and before unheard of. I hope it will not be agreed to.

Mr. **BIDWELL** replied. He thought the section correct in principle, and important to be adopted. It was calculated to preserve the peace and neutrality of the United States from being endangered by the lawless acts of unprincipled citizens. Mr. B. then referred to a law, passed in 1797, to show that acts committed without the limits of the United States, had been considered as proper objects of punishment.

Mr. **EARLY** was decidedly hostile to the section. Among other objections, it went to destroy completely the right of expatriation.

Mr. **EPPES** moved to strike out the words "without the limits of the United States," and spoke at length in support of the motion. He thought that the amendment would remove the objections of the gentleman from Connecticut, (Mr. **DANA**,) and from Georgia, (Mr. **EARLY**,) and yet preserve something useful in the section.

Mr. **ALSTON** moved to recommit the section, with the amendment proposed by Mr. **EPPES**. He thought the section contained something really valuable, but it needed considerable modification.

Mr. **DAWSON** opposed the recommitment.

Mr. **ALSTON** replied.

Mr. **ELLIOT** doubted whether the motion was in order.

Mr. **BIDWELL** was in favor of recommitment.

Mr. **EARLY** thought the section so radically defective that no modification could remove the objections against it.

Mr. **DANA** spoke at length against the principle of the section, and hence inferred the impropriety of recommitting.

Mr. **ALSTON** replied; when the question of recommitment was taken and lost—ayes 32.

Mr. **EPPES** withdrew his amendment and proposed another, to strike out the "laws of the United States," and insert the words, "act in addition to an act for the punishment of certain crimes against the United States, passed on 5th June, 1794."

Mr. **ELLIOT** was adverse to all amendments. He hoped the section would be wholly rejected.

The motion was disagreed to—ayes 16.

The question then recurred on agreeing to the section as reported by the Committee of the Whole.

Mr. **DWIGHT**.—I have no wish to detain the House at so late an hour, and after the question has been so thoroughly discussed; but, viewing the principle contained in the amendment as extremely interesting, and, if adopted, as calculated to produce great mischief, I cannot be contented with giving my vote, without stating the reasons in justification of it.

As the great point, whether it be necessary or proper for the United States to extend the influence of their laws over their citizens when out of their limits and within the jurisdiction of a foreign Government has been satisfactorily considered by my colleague, (Mr. **DANA**,) and a gentleman from Georgia, (Mr. **EARLY**,) I will only remark, generally, that, for the reasons which have been suggested, and for others which might be suggested, I doubt very much either the necessity or propriety of such a measure.

But, sir, if necessary or proper, I think the mode here proposed extremely improper. If we wish to make it criminal in our citizens to violate the peace of, or to set on foot measures of hostility against foreign nations or Governments, let us begin by declaring it criminal by a direct, explicit law, and not pursue the mode here attempted. Sir, we are legislating at the wrong end of a statute; we are fixing the punishment without previously declaring the crime. What objection can there possibly be to proceeding in the common mode, first declaring the offence and then prescribing the punishment? But the honorable mover of this amendment, in answer to an objection raised by my colleague, (Mr. **DANA**,) says, that this is no innovation in legislation; that this is the common mode; that this section renders the acts mentioned in it illegal, and that it is usual to define the offence, and prescribe the punishment, in the same section. My colleague, sir, did not, and certainly I shall not object to this section, because it contains both the crime and the punishment. Our objection is, that it contains no offence, it defines no crime. Is there any expression in this amendment, which declares anything to be criminal? If there be, the honorable gentleman can certainly point me to it. I find nothing like it. On the contrary, we are only told, "that if any person who has become bound to 'keep the peace and be of good behaviour, in pursuance of the laws of the United States, shall, 'during the term of his recognisance, without the 'limits of the United States, carry on, or aid in 'carrying on, or begin, or set on foot, or provide 'or prepare the means for a military expedition or 'enterprise against any foreign Prince or State at 'peace with the United States, such recognisance 'shall be forfeited." Does this statute authorize any magistrate or court to require sureties of any person who begins or sets on foot such military enterprise? No such provision is contained in it. Is there any law of the United States that gives such authority? It is acknowledged there is none. We are then in this predicament: As the laws of the United States authorize courts and magistrates to bind persons to keep the peace, and be of good behaviour within the United States, we are, by this amendment, about to declare that, for acts done within the limits of the United States and not prohibited by any laws of the United States, the recognisance so entered into by the man and his sureties, shall be forfeited. Does not this plain and concise state of the fact show that this is the most extraordinary attempt that was ever made in any Legislature?

Besides, sir, where is this section to be found? What is the title of the bill in which it is placed? It is "a bill providing for the punishment of certain crimes against the United States." It is a maxim, that every man in the community is bound to know the law; that is, that no man by pleading ignorance of the law, can justify or excuse a breach of it. But, while the justice of this maxim is admitted, we know the truth to be, that a vast proportion of the people are in reality ignorant of the law. If this is their true situation, and there can be no doubt that it is, it is the duty of legislators to make their laws as plain, explicit, and familiar as possible, that men may not be unnecessarily ensnared, and subjected to penalties and punishments for acts which were in a sense committed innocently. But, sir, would a person of common understanding look under the title of this statute for the penalty which is contained in this amendment? No man, however well informed, would search here for anything but crimes against the United States and their punishments. It would be just as natural to look in any other statute in our book as in this. What, then, will be the situation of, not only the man who is recognised under the general laws to keep the peace within the United States, but of his sureties? They, expecting to become bound for the good behaviour of the principal at home, will find themselves subjected in the amount of the penalty for acts committed abroad, which the law did not notice, and the recognisance did not mention. The bond not having been taken to protect the peace of a foreign country, but of our own, ought not to be forfeited by acts against the peace of a foreign country. As the amendment establishes the contrary principle, I think it highly objectionable.

I object to this amendment, sir, because the question cannot be tried. No intelligent, upright, and independent court will ever render judgment against a man and his sureties, in a recognisance to be of the peace and good behaviour within the United States, when the breach is laid out of the United States, and for this plain reason, the condition is not broken. No issue can be joined consistently with any rules of pleading in a case of this sort. Let it be considered for a moment. An action is brought to recover the penalty in a recognisance. The defendants will plead that they have kept and performed the condition, (which, it will be remembered, is, to keep the peace, and be of good behaviour within the United States.) The replication, then, must allege a breach. What will that be? That the principal in the recognisance has, without the United States, begun to set on foot, and aid in carrying on a certain military enterprise against the Government of the King of Great Britain, or the King of Spain. This would be a departure, and a demurrer must ensue. The statute will be nugatory and void, and no court will aid in its execution.

I object to this amendment, because, sir, it extends its reach to all countries. I know gentlemen have their eyes on countries that are contiguous, whose limits border on our own. But, it not only comprehends Nova Scotia and Canada on the East and North, Florida and Mexico on the South and West, but it extends to the utmost bounds of the earth. It protects equally the peace of the Hottentots at the Cape of Good Hope, as it does those countries which are at our doors.

But, sir, it not only extends to all lands, it also comprehends all men who tread beyond the limits of the United States, after having been previously bound to keep the peace in this country. What will be the situation of our countrymen, when thus embargoed? What, sir, will be the condition of our seamen, whose business necessarily carries them into foreign nations? A sailor, having made a prosperous voyage, and landed on his native shores, among his friends and acquaintance, first thinks of spending his money. Like a sailor, he has a frolic, and, in his frolic, violates the peace, for which, when he is sober, he is sentenced to recognise for his future good behaviour. Having rid himself of his money, like a sailor, he goes to sea again to earn more. In the West Indies he is impressed on board a British armed vessel, and there is forced to aid in carrying on some hostile enterprise against a foreign Power at peace with the United States. There is no remedy for his case—his recognisance is forfeited, and his sureties must pay the penalty.

Again, sir, I object to this amendment, because it is absurd. A man has become bound with sureties, that he will not do certain things prohibited by law, and Congress declare that his recognisance shall be forfeited, if he does another thing, which the law does not prohibit. This is not only highly unjust, but perfectly absurd. Let the principle be examined in a more plain and familiar manner. What would be the situation of the marshals in the various districts, and their sureties, if the bonds which they are by law obliged to give for the faithful performance of the duties of their office, should, by a subsequent law, be declared to be forfeited, by acts in no respect connected with their official duties? Would any man seriously defend so strange a principle? Suppose, sir, the honorable gentleman (Mr. BIDWELL) should be appointed Attorney General of the United States, and a law should be passed obliging him to find bonds for the faithful performance of the duties of that office, (and from the specimen which the Government have had from New England, I hope, if there should be another Attorney General appointed from that part of the country, he will be obliged to give bonds for the faithful performance of the duties of his office,) and, at an after period, Congress should pass a law, declaring that if the Attorney General of the United States should, when on a visit to his friends and family, be guilty of singing Yankee Doodle, his bonds shall be forfeited: What would the honorable gentleman say to such a statute? But, sir, suppose, instead of making this a part of the statute regulating the office of Attorney General, we should place it in the middle of a bill which is now before us, entitled "An act for altering the name of the district of Nanjemoy into that of St. Mary's?" Would not the honorable gentleman, in addition to mischiefs of the back-handed, side-wind operation of such a law, complain loudly of being obliged to look for it in such a strange place? And yet, the connexion between the two acts would be as near and as intimate as that which the present amendment has with the bill into which it is proposed it shall be inserted. The honorable gentleman will perhaps also say, that the cases do not compare; that it is immoral to carry on hostile enterprises against foreign Governments, but that there is no immorality in singing Yankee Doodle. In his opinion, sir, and in mine, there is none. But not so everywhere. The time has been, when Yankee Doodle, sung by an American in Nova Scotia, or New Brunswick, might have bred a riot; and from such small beginnings, consequences the most serious and alarming to the public tranquillity have frequently arisen.

Take another case. Two men travel in company out of the United States into the Spanish territories, one of whom, previous to his departure, has been bound to keep the peace of the United States, the other, more fortunate, has not been bound. They join in a hostile enterprise against the Government of Mexico, and commit acts against its peace and safety. On their return, the recognisance of him who had given bonds will be forfeited, while the other is perfectly innocent. He has violated no law, and will laugh at the provisions of this section.

In the last place, sir, I object to this amendment, because it introduces a species of judicial tyranny. By judicial tyranny, I mean that kind of oppression which is produced by the instrumentality of courts, and under color of law—a tyranny the most odious, the most intolerable, of any which mankind have ever been doomed to bear. Do gentlemen wish for examples? Let them take the Inquisition of Spain, and the Star Chamber of Great Britain. Sir, but a few years since, a law was passed by Congress, which some persons considered as giving the opportunity for the exercise of this species of tyranny, and the alarm immediately spread throughout the country; the law was execrated and loaded with every opprobrious title, the public passions were inflamed, and a revolution in the political affairs of the nation, was, in a great measure, produced by it; and even now, sir, so odious is the very memory of the statute to which I allude, that gentlemen on this floor can scarcely mention it, without its drawing from them the most heart-rending groans. The statute to which I allude was commonly called the Sedition law. I beg permission, sir, to read the second, which was the offensive section of that statute, to show that its provisions were vastly less dangerous to the public freedom, than those contained in the present amendment:

SEC. 2. *And be it further enacted,* That if any person shall write, print, utter, or publish, or shall cause or procure to be written, printed, uttered, or published, or shall knowingly and willingly assist or aid in writing, printing, uttering, or publishing, any false, scandalous, and malicious writing or writings, against the Government of the United States, or either house of Congress of the United States, or the President of the United States, with intent to defame the said Government, or either House of the said Congress, or the said President, or to bring them, or either of them, into contempt or disrepute; or to excite against them, or either or any of them, the hatred of the good people of the United States, or to stir up sedition within the United States, or to excite any unlawful combinations therein, for opposing or resisting any law of the United States, or any act of the President of the United States done in pursuance of any such law, or of the powers in him vested by the Constitution of the United States; or to resist, oppose, or defeat any such law or act; or to aid, encourage, or abet, any hostile designs of any foreign nations against the United States, their people, or Government, then such person, being thereof convicted before any court of the United States having jurisdiction thereof, shall be punished by a fine not exceeding two thousand dollars, and by imprisonment not exceeding two years.

Now, sir, what do we find in this section of this statute? Are punishments inflicted without any previous declaration of the offence? No, sir, on the contrary, the offences are clearly and minutely defined, and the penalty as clearly prescribed. And what are the offences here detailed? They are false, malicious, and scandalous publications against the Government of the United States, or either House of Congress, or the President. Does the law say that a man shall be punished for publishing the truth? No, sir, so far from it, that, by the same law, it is expressly declared that if he publishes only the truth, he shall not be punished. And it must not only be falsehood that is published, but it must have been maliciously published, with intent to defame. The punishment also is limited; the highest penalty being two thousand dollars, and the longest period of imprisonment two years. But, by this amendment, a man who has been bound in a recognisance to keep the peace of the United States in such sum as a magistrate may have ordered, although he keeps the peace, and abstains from violating the condition of his recognisance; yet, if it afterward appears that he has done an act which was not considered at the time the recognisance was entered into, either by the judge who ordered it, or by the principal who gave it, or by his sureties who have become responsible for his performance of the condition of it, this bond thus given for another and totally different purpose shall be forfeited, and either he, or, what is more probable, his sureties, must pay the penalty, let the sum be what it may. Sir, it is the most extraordinary provision that ever was brought before a legislative body—it is a daring attack on the liberties of our country—it is an outrage on every principle of law and justice; and I trust will not meet the approbation of this House.

Mr. **Burwell** was against the section. He could not, however, accede to some of the remarks made by the gentleman from Connecticut, (Mr. **Dwight**.) The chief objection to the Sedition law, was, that Congress had no power to pass such a law—it was unconstitutional. The objections were not directed against the nature and tenor of the law. Those States, where there was the most complaint, had laws substantially the same as the Sedition law. This was the fact in the State from which Mr. B. came.

The question was now taken by yeas and nays and the section negatived—yeas 9, nays 115, as follows:

Yeas—Willis Alston, junior, David Bard, Barnabas Bidwell, John Chandler, Richard Cutts, William Findley, John Lambert, Thomas M. Randolph, and James Sloan.

Nays—Evan Alexander, Isaac Anderson, John Archer, Joseph Barker, Burwell Bassett, George M. Bedinger, Silas Betton, John Blako, junior. Thomas Blount, James M. Broom, Robert Brown, John Boyle, William A. Burwell, William Butler, George W. Campbell, Levi Casey, Martin Chittenden, John Claiborne, Joseph Clay, Matthew Clay, George Clinton, junior. Orchard Cook, Leonard Covington, Samuel W. Dana, Ezra Darby, John Davenport, jr., John Dawson, William Dickson, Theodore Dwight, Elias Early, Peter Early, James Elliot, Caleb Ellis, Ebenezer Elmer, William Ely, John W. Eppes, James Fisk, John Fowler, James M. Garnett, Charles Goldsborough, Edwin Gray, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, Seth Hastings, James Holland, David Holmes, David Hough, Walter Jones, James Kelly, Thomas Kenan, Nehemiah Knight, Joseph Lewis, jun., Henry W. Livingston, Edward Lloyd, Matthew Lyon, Duncan MacFarland, Patrick Magruder, Robert Marion, Josiah Masters, William McCreery, David Meriwether, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Jonathan O. Mosely, Gurdon S. Mumford, Jeremiah Nelson, Thomas Newton, jr., Gideon Olin, Timothy Pitkin, junior, John Porter, John Pugh, John Randolph, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, John Russell, Peter Sailly, Thomas Sammons, Thomas Sandford, Martin G. Schuneman, Ebenezer Seaver, John Smilie, John Smith, Samuel Smith, Henry Southard, Richard Stanford, Joseph Stanton, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, David Thomas, Philip R. Thompson, Thomas W. Thompson, Uri Traoy, Abram Trigg, Philip Van Cortlandt, Killian K. Van Rensselaer, Joseph B. Varnum, Peleg Wadsworth, Matthew Walton, John Whitehill, Robert Whitehill, Eliphalet Wickes, David R. Williams, Marmaduke Williams, Nathan Williams, Alexander Wilson, Joseph Winston, and Thomas Wynns.

Mr. **Dana** moved to recommit the bill: which motion was disagreed to—ayes 23; when the bill was ordered to be engrossed for a third reading tomorrow, without a division.

Thursday, January 15.

Another member, to wit: **Richard Winn**, from South Carolina, appeared, and took his seat in the House.

The bill providing for the punishment of certain crimes against the United States was read the third time and passed without a division.

Mr. J. **Randolph**, from the committee to whom was referred, on the third instant, so much of the Message of the President of the United States as relates "to an invasion of our territory by the troops of Spain, and to the adoption of measures for the protection thereof," presented a bill for the defence of the mouth of the Mississippi, and for the protection of New Orleans and its dependencies; which was read twice and committed to a Committee of the Whole on Monday next.

The House resolved itself into a Committee of the Whole on the bill to continue in force, for a further time, an act, entitled "An act to suspend the commercial intercourse between the United States and certain parts of the island of Saint Domingo; and, after some time spent therein, the Committee rose and had leave to sit again.

The House resolved itself into a Committee of the whole House on the bill prescribing the mode of taking evidence in cases of contested elections for members of the House of Representatives. After a short debate, the Committee rose and obtained leave to sit again.

On motion of Mr. **Fisk**, the House resolved itself into a Committee of the Whole on the bill authorizing the President of the United States to accept the service of a number of volunteer companies, not exceeding thirty thousand men.

The blanks were so filled as to bind the volunteers to continue for twelve months, unless sooner discharged, and to appropriate $500,000. The Committee rose, and the House concurred in these amendments.

After the insertion of a small verbal amendment, suggested by Mr. **Tallmadge**, he moved to recommit the bill for the purpose of introducing a provision for the appointment of field officers. The motion was disagreed to—ayes 43, noes 47.

The question to engross the bill having been put, Mr. **Elmer** observed that, in his opinion, it contained every provision on this subject that was necessary. When the bill was ordered, without a division, to be engrossed for a third reading to-morrow.

PUBLIC DEBT.

On motion of Mr. J. RANDOLPH, the House resolved itself into a Committee of the Whole on the bill supplementary to the act entitled "An act making provision for the redemption of the whole of the public debt of the United States."

Mr. J. RANDOLPH called for the reading of the letter of the Secretary of the Treasury on this subject, communicated the last session to the Committee of Ways and Means; which he believed contained the most satisfactory and perspicuous reasons in favor of the bill which could be assigned.

This communication having been read, the bill was considered by sections. The various blanks were filled, and some amendments introduced touching the details of the bill.

The only part of the bill on which a division was called, was on filling the blank in the third section, so as to entitle the holders of the new six per cent. stock to a sum equal to "sixty five" per cent. of the amount of the sum subscribed for by them in three per cent. stock. On this motion the House divided—ayes 52, noes 27. The Committee rose and reported the bill: the amendments proposed were immediately agreed to by the House, and the bill, without a division, ordered to be engrossed for a third reading to-morrow.

FRIDAY, January 16.

An engrossed bill authorizing the President of the United States to accept the service of a number of companies, not exceeding thirty thousand men, was read the third time, and passed.

Mr. BOYLE, from the Committee on the Public Lands, who were instructed by a resolution of the House, of the eighteenth ultimo, "to inquire into the expediency of making further provision for the sale of the sections heretofore reserved for the future disposition of Congress," presented a bill making farther provision for the disposal of the sections of land heretofore reserved for the future disposition of Congress; which was read twice and committed to a Committee of the Whole on Monday next.

Mr. GREGG presented to the House a petition of sundry merchants, traders, storekeepers, and mechanics, of the county of Washington, in the Territory of Columbia, which was received and read, praying a repeal of so much of the act of Congress, passed on the third of May, one thousand eight hundred and two, entitled "An act additional to, and amendatory of, an act, entitled 'An act concerning the District of Columbia," as prohibits the issuing of the writ of *capias ad satisfaciendum* on any judgment rendered by a single magistrate, where the amount, exclusive of costs, does not exceed the sum of twenty dollars; and, also, that inferior courts may be established within the said county, to have cognizance of all debts not exceeding the sum of fifty dollars.—Referred to Mr. GOLDSBOROUGH, Mr. GREGG, and Mr. PHILIP R. THOMPSON; to examine and report their opinion thereupon to the House.

The House resolved itself into a Committee of the Whole on the bill continuing for a further time the act for suspending commercial intercourse between the United States and certain parts of St. Domingo.

The Committee, without debate, rose and reported the bill without amendments which was ordered to be engrossed for a third reading on Monday.

The House resolved itself into a Committee of the Whole on the bill providing for the survey of the coast of the United States, and, after agreeing to appropriate $25,000 for this purpose, the Committee rose, and the bill was ordered to be engrossed for a third reading on Monday.

PUBLIC DEBT.

An engrossed bill supplementary to the act, entitled "An act making provision for the redemption of the whole of the public debt of the United States," was read the third time.

Mr. J. RANDOLPH called for the yeas and nays.

Mr. ALSTON said he should have contented himself with giving a silent vote on this bill, but for the call of the yeas and nays. Having been required, he deemed it his duty to assign his reasons for voting against the bill, which he should do, although he should stand alone. He knew no advantage that would accrue to the United States from the passage of the bill. What did it hold out? The opening of a new subscription to all persons holding evidences of the existing public debt. Were the United States to be benefitted by this modification of the present debt, or were they in the least interested in it? It was clear they were not interested in it; for if they were, the keen speculator would never come forward to subscribe. For, therefore, the sole purpose of expediting the payment of the debt, the Government were about to make a sacrifice to the holders of the public debt. Who were these holders? Men who had already preyed on the interests of the nation. Mr. A. said he considered this as neither more nor less than a second assumption system, pursuing the same track pursued by the first act making an assumption of the debts. This was a measure giving this description of people, who had speculated on the interests of the country, another advantage. It held out a strong invitation to every citizen of the United States, or of a foreign nation, to subscribe to the new loan, by giving them nine per cent. more than the value of their stock twelve or fifteen months ago. Of this, he had evidence; and that, at that period, there could not be more than fifty-six per cent. got here, or at Philadelphia, for three per cent. stock. The bill, therefore, gives the holders of this stock nine per cent. on their capital. It was for this, as well as for many other reasons, that he should vote against the bill. He did not believe that the situation of the United States was such as required such a precipitancy in paying off the debt. No man was more disposed than he was to discharge the debt fairly and honorably; but he was not for doing it in such a manner as to promote the advantage of the holders of the present paper of the United States. Mr. A. repeated that he considered the bill exactly in the same light with the assumption bill passed a long while since, and that it ought to be denominated an amendment to that law, instead of the act to which it is purposed to be a supplement.

Mr. J. Randolph observed that to him nothing was plainer than that, where two individuals stood in the relation of debtor and creditor, new arrangements of existing debts, due from one to the other, might be made to the advantage of both. At present, the Commissioners of the Sinking Fund were authorized to purchase old six per cents., and deferred stock, at their nominal par value—that is, at the rate of one hundred dollars in specie for one hundred dollars stock, and those stocks were every year partially reimbursed at this rate. The only good, therefore, that the provisions of the bill could do the holders of these species of stock, would be, that the Government would pay them at the same rate that they were now paying them, and at which they had made purchases as fast as they could. So much for this part of the bill.

With regard to the provisions relative to three per cents., Mr. R. said, he would state a plain fact, that would come home to the simplest understanding possessed by any member of the Committee. A farmer owes his neighbor a thousand dollars, for which he has given his bond, bearing an interest of three per cent. He has it in his option to pay it off for $650. Now, do you think there is a provident farmer in the United States that would hesitate to discharge the thousand dollars by paying $650, instead of suffering the thousand dollars to rest as a burden on his children, or a lien on his estate? This is the plain question. Do the House think it most for the advantage of the estate of the good people of the United States to pay off this stock at the rate of sixty-five per cent., or let it remain a perpetual encumbrance on the nation? And is it not self-evident that an arrangement may be made between the public and its creditors, as well as between two individuals, to the mutual advantage of both?

The question was then taken on the passage of the bill—yeas 112, nays 13, as follows:

Yeas—Evan Alexander, Isaac Anderson, John Archer, David Bard, Jos. Barker, Burwell Bassett, George M. Bedinger, Barnabas Bidwell, Phanuel Bishop, John Blake, jun., Thomas Blount, James M. Broom, Robert Brown, John Boyle, William A. Burwell, William Butler, George W. Campbell, John Campbell, Levi Casey, John Chandler, Martin Chittenden, John Claiborne, Joseph Clay, George Clinton, jun., Frederick Conrad, Leonard Covington, Ezra Darby, John Dawson, William Dickson, Theodore Dwight, Elias Earle, Peter Early, James Elliot, Ebenezer Elmer, William Ely, John W. Eppes, William Findley, James Fisk, John Fowler, Jas. M. Garnett, Charles Goldsborough, Peterson Goodwyn, Edwin Gray, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, Seth Hastings, William Helms, James Holland, David Holmes, James Kelly, Thomas Kenan, Nehemiah Knight, John Lambert, Joseph Lewis, jr., Edward Lloyd, Patrick Magruder, Robert Marion, Josiah Masters, William McCreery, David Meriwether, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Jonathan O. Mosely, Gurdon S. Mumford, Jeremiah Nelson, Thomas Newton, jun., John Porter, John Pugh, John Randolph, Thos. M. Randolph, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, John Russell, Peter Sailly, Thomas Sandford, Martin G. Schuneman, Ebenezer Seaver, James Sloan, Dennis Smelt, John Smilie, John Smith, Samuel Smith, Henry Southard, Richard Stanford, Joseph Stanton, William Stedman, Samuel Taggart, Samuel Tenney, David Thomas, Philip R. Thomson, Thomas W. Thompson, Uri Tracy, Abram Trigg, Killian K. Van Rensselaer, Joseph B. Varnum, Peleg Wadsworth, Matthew Walton, John Whitehill, Robert Whitehill, Eliphalet Wickes, David R. Williams, Marmaduke Williams, Nathan Williams, Alexander Wilson, Richard Winn, Joseph Winston, and Thomas Wynns.

Nays—Willis Alston, jun., Silas Betton, Matthew Clay, Samuel W. Dana, John Davenport, jun., Caleb Ellis, David Hough, John G. Jackson, Duncan MacFarland, Timothy Pitkin, jr., Thomas Sammons, Lewis B. Sturges, and Benjamin Tallmadge.

NATIONAL DEFENCE.

Mr. Elliot observed that he had, some weeks since, presented a number of resolutions on the important subject of national defence, which it was not the pleasure of the House to refer to a Committee of the Whole.

When it should be the pleasure of the House to resume their consideration, he said, it would be his wish to withdraw the first, which had been generally considered as too abstract in its nature, and as covering too broad a field of disquisition. It would likewise be his wish to withdraw one or more of the remaining resolutions, and to propose such modifications of the rest, that it should be admitted they presented new questions to the consideration of the House; and he should then only ask that the sense of the House should be taken on referring the resolutions thus modified. Presuming that there could be no objection in the House to making such a disposition of them, he gave notice that he would, on Tuesday next, if an opening offered, move to resume their consideration for the purpose of making a disposition of them.

MILITARY PEACE ESTABLISHMENT.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act supplementary to an act, entitled 'An act fixing the Military Peace Establishment of the United States;" to which they desire the concurrence of this House.

The bill is as follows:

Be it enacted, &c., That, in addition to the present Peace Establishment of the United States, and as a part thereof, the President of the United States be, and he is hereby, authorized to raise one regiment of infantry and one battalion of cavalry; and the said regiment of infantry shall consist of the same number of commissioned officers, non-commissioned officers, musicians, and privates, as are directed by the act to which this is a supplement. And the said battalion of cavalry shall consist of one major and of one adjutant, one quartermaster, and one paymaster, (each being a lieutenant,) one surgeon, and four companies; each company of one captain, one lieutenant, one cornet, one sergeant major, one quartermaster sergeant, one trumpeter, four sergeants, four corporals, one farrier, one saddler, and sixty-four privates: and shall moreover, at the discretion of the President, do duty either on horse or on foot.

SEC. 2. *And be it further enacted,* That the President shall be, and he is hereby authorized in all cases of imminent danger, when in his opinion the defence or safety of the United States shall require it, to increase the number of men in each company of infantry on the Peace Establishment to one hundred privates.

SEC. 3. *And be it further enacted,* That suitable clothing be provided for the cavalry, adapted to the nature of their service, and, as near as may be, of the value of the clothing allowed to the infantry and artillery.

SEC. 4. *And be it further enacted,* That the commissioned officers, non-commissioned officers, musicians, and privates, by this act directed to be raised, shall be entitled to receive the same pay, emoluments and bounty, as are allowed to the troops now in the service of the United States, and they shall be governed by the rules and articles of war, which have been, or may be by law established.

MISSISSIPPI TERRITORY.

The House resolved itself into a Committee of the Whole, on the bill authorizing a grant of land for the purchase of a hospital at Natchez, &c. The first section, appropriating a certain portion of land for the purchase of a hospital, was passed over without animadversion. The second section fixes the salary of the judges of the Mississippi Territory.

Mr. LATTIMORE moved to fix the salary of each judge at $2,000.

This motion, as well as subsequent motions to allow the judges $1600 and $1400 were disagreed to; when the sum of 1200 was agreed to—yeas 58, nays 25.

The third section extends the right of suffrage generally to the citizens of the Mississippi Territory, without regard to the possession of a freehold.

Mr. EARLY moved to strike out this section. He declared himself friendly to the principle, but he was of opinion that Congress did not possess the power of extending it to the inhabitants of the Mississippi Territory. In the articles of cession from Georgia to the United States, it was stipulated that this Territory should be under the same stipulations with those applicable to the Northwestern Territory, with the single exception of that stipulation which related to slavery. Those stipulations made it requisite for the elector of a Representative to possess a freehold estate. Considering this as one of the fundamental terms of the contract, he did not believe the United States possessed the power of annulling it.

Mr. LATTIMORE observed that if Congress had no power to grant other privileges to the people of the Mississippi Territory than those stipulated in the compact with Georgia, it was clear that they had already violated it. One of its stipulations was, that when the inhabitants of the Territory should amount to five thousand, they should be admitted to the enjoyment of the second grade of government. And yet, it was well known, they were admitted to this privilege at an earlier day.

Mr. SLOAN opposed the motion.

On motion of Mr. BIDWELL, the Committee rose, that further time might be allowed to consider the subject—yeas 53.

BURR'S CONSPIRACY.

Mr. J. RANDOLPH—In the President's Message, at the commencement of the session, he announced to us as follows:

> "Having received information, that in another part of the United States a great number of individuals were combining together, arming and organizing themselves, contrary to law, to carry on a military expedition against the territories of Spain, I thought it necessary, by proclamation as well as by special orders, to take measures for preventing and suppressing this enterprise, for seizing the vessels, arms, and other means provided for it, and for arresting and bringing to justice its authors and abettors."

So long, said Mr. R., as the illegal movements of these persons were supposed to be directed against a foreign nation, although the interest of the United States and their honor too required, that prompt and decisive measures should be taken for suppressing their designs, yet, I believe, there is no gentleman in this House but will agree with me in the opinion that the United States, and this House in particular, could not feel so deep and lively an interest against a conspiracy of that kind, as against one for the subversion of the Union, and perhaps of the liberties of those who compose it. I have waited with anxious solicitude for some information in relation to this subject, that might be depended upon; for some official information. I contented myself, for a long time, with the belief, inasmuch as no information had been given to the House, that there were imperious reasons connected with the public welfare which forbade a disclosure; but the aspect which affairs have taken on the Mississippi is such, that I can no longer reconcile it to my sense of duty, as the independent Representative of an independent people, to rest satisfied in that state of supineness and apathy in which the House has been satisfied to remain for the six or seven weeks past. Sir, from the information I have been able to collect—and it is such that I am obliged to place great, if not implicit reliance on it—it does appear to me, that if the Government of Spain is in any wise concerned in these measures, it is concerned not as the defendant, but as the plaintiff; as the aggressing party, and not as the party on whom the aggression is made. So long as I was induced to believe that by withholding correct information from the Legislature, the substantial interests of the nation would be more essentially subserved, than by laying it before them, so long, though not without reluctance, I acquiesced in its being withheld. But, from the hostile appearances on the Mississippi, it seems to me that the state of things is such as requires the most prompt and efficacious measures for securing the Union. The bubble is said to have burst and there no longer remains any reason why the information in the possession of the Executive ought to be withheld. But, to guard against all possible objection, I have endeavored so to frame the motion, as to do away any objection arising from this consideration. It does appear—from the newspapers, it is true, but under a much higher sanction than is generally attached to information received through such a channel—it does appear in evidence, under the sanction of an examination before the Legislature of Kentucky, that ever since the peace of 1783, Spain has incessantly labored to detach the Western people from the Union; that subsequently to the Treaty of San Lorenzo she has carried on intrigues, and in the most faithlesss manner withheld acceding to its stipulations, in order to excite a spirit in the Western country subversive of the Union; that she subsequently made a proposition of the most flagitious kind to several leading characters in Kentucky, and as I believe elsewhere. It appears, indeed, that she has never lost sight of this object; and I believe she never will lose sight of it so long as she shall find materials to work upon, or a shadow of hope that she will succeed. It appears to me that she has found those materials; that they are of the most dangerous nature; that they are now in operation; and that, perhaps at this moment while I am addressing you, at least for a time, the fate of the Western country may have been decided.

Sir, this subject offers strong arguments, in addition to numerous reasons presented during the present session of Congress, to justify the policy avowed by certain gentlemen during the last session, so highly condemned; and if I am correctly informed, the other branch of the Legislature are now acting on that policy so contemned and despised.

[Mr. Speaker said it was not in order to allude to the proceedings of the Senate.]

Mr. J. Randolph—I shall say no more on that point, but I will say this in relation to our own proper business: We have had a bill before us authorizing the President to accept volunteers. A member of the committee, with whom this bill originated, and with whom I had the pleasure of concurring—intimately connected and domesticated with the Secretary of War—did make a proposition before that committee, substantially the same with that rejected at the last session; to augment the military forces to meet the pressing exigencies of the times; and which I presume must have had the sanction of that officer. Is there a man in this House, who at this day doubts, that if the Government—I mean the Executive and Legislature—had taken a manly and decisive attitude towards Spain, and instead of pen, ink, and paper, had given men and arms—is there a man who believes that not only Spain would have been overawed, but that those domestic traitors would also have been intimidated and overawed, whose plans threaten to be so dangerous? Would any man have dreamt of descending the Mississippi at the head of an unprincipled banditti, if New Orleans had been fortified, and strong fortifications erected in its neighborhood? What did we then hear? Money, dollars and cents! Is there not now every reason to believe, especially when we consider the superintendence under which the expenses are incurred, that the saving of the campaign on the Sabine, and the saving of the costly measures taken by the Commander-in-chief, on his own responsibility, would have been equal to the expense of raising and maintaining for one year the additional forces proposed at the last session to be raised? There can be no doubt but on the principle of economy, without taking into view the effect on the Union, the United States would have been gainers. A spectator, not in the habit of reading our public prints, or of conversing with individuals out of doors, but who should draw his ideas of the situation of the country from the proceedings of this House during the present session, would be led to infer that there never existed in any nation a greater degree of peace, tranquillity, or union, at home or abroad, than in the United States at this time; and yet, what is the fact? That the United States are not only threatened with external war, but with conspiracies and treasons, the more alarming from their not being defined. And yet we sit and adjourn, adjourn and sit, take things as schoolboys, do as we are bid, and ask no questions. I cannot reconcile this line of conduct to my ideas of the duty of a member on this floor. Among the State authorities, there appears to be one that has acted with a promptness and decision that does it great honor. Yes, the youngest member of the Federal family has been found to be the first to ward off the impending danger, while the eldest members are sleeping, snoring, and dozing, over their liberties at home. Under this view of the subject, I beg leave to offer the following resolution:

Resolved, That the President of the United States be, and he hereby is, requested to lay before this House any information in possession of the Executive, except such as he may deem the public welfare to require not to be disclosed, touching any illegal combination of private individuals against the peace and safety of the Union, or any military expedition planned by such individuals against the territories of any Power in amity with the United States; together with the measures which the Executive has pursued and proposes to take for suppressing or defeating the same.

Mr. Chandler said, he had the honor to be a member of the committee alluded to by the gentleman from Virginia, and he believed, from the propositions that were made by him, he was the member referred to. He believed he had made a proposition in the committee to augment the number of the present forces, by adding to each company such a number of men as would enlarge it to a hundred instead of eighty. He made this proposition, because, from the extension of our territory, he thought it necessary, and because he thought, by thus adding to the number of our troops, without increasing the officers, the public would be as well served, without incurring the expense attending the creation of additional officers. He believed the proposition went further, and authorized the President to raise a certain number of troops, provided the public good, in his opinion, required it. He presumed, however, that the Secretary of War had never known that such a proposition was made or intended to be made, and much less had sanctioned it by his opinion. Mr. C. said, he barely mentioned this circumstance, to show that the Secretary of War did not communicate information in this way.

Mr. ALSTON believed that no man in the House was more disposed than himself to receive any information from the Executive Government, that would enable them to take the necessary steps against foreign or domestic enemies. But where did they meet with any grounds to justify the opinion that a foreign attack was meditated? The contrary was his opinion. He had heard of no circumstances which justified the belief of such an attack being meditated, particularly by Spain on the west side of the Mississippi. What was known on this subject? That the commanding officers on the part of the United States and Spain, had agreed not to violate the intervening territory, until fresh information was received from their Governments. There was no ground therefore to believe that an attack would be made from that quarter. On the contrary, if newspaper information was to be credited, the attack was to be from our own territory, and was contemplated against that very nation. If this were true, what right have we to believe in a foreign attack from any other quarter? Did evidence exist in the hands of the Executive of any such foreign attack being contemplated? If so, is there not the strongest reason to believe that we should have received information of it without a demand? Let any gentleman examine this subject, and say if it is not wise to leave the business where it now is. Whether the measures adopted at the last session, or those which were proposed, were the best, it is not, said Mr. A., for me to say. Time will determine. But this I may say—if we had then passed an act for raising a few regiments, there would not have been one of them by this time on the Mississippi. We might have got, as heretofore, a regiment of officers; but there would have been no regiments of men.

We have been further told of the policy of taking a manly attitude against Spain. We had a resolution offered to us, which in my opinion amounted to a declaration of war—not merely for defending the country on the frontier, but for carrying on a war against Spain. What was the situation of the country when this resolution was submitted? Defenceless indeed! We might have acted here, but Spain would have acted there. If the persons alluded to by the gentleman from Virginia are now in a combination with Spain, might they not have also been in a combination then; and had we assumed a hostile attitude, might they not have acted with more effect than they can now? There is not a doubt, in my mind, that as soon as it is proper, information will be laid before us without calling for it. If such a resolution be carried to the President, he will deem himself bound to communicate the whole information, in whatever terms it may be couched. I have no apprehension and feel no dread of any force that can be brought against us in the Western country. Our force there will be able to cope with any that shall be embodied against the United States and the moment the man at their head shall declare himself hostile to the Union, the very forces which he has raised will turn their bayonets against him; they will desert him. If this is all the ground that can be assigned, I think it best not to carry this resolution immediately to the President. In a few days we shall probably receive another western mail, and if the information then received shall not be satisfactory, or serious danger appears to exist, we may call for that information which is not now necessary.

Mr. J. CLAY said this was the first time that he had ever heard it stated that newspaper information was proper for legislative action. For this reason we are to wait, it seems, until we get two or three more newspapers from the Western country. He would ask if there ever were ideas so strange submitted to a legislative body? He said, he knew that it was very fashionable for the majority to express a full confidence in the Executive Magistrate; but he would ask whether this was a correct doctrine? The Constitution vested the important power of declaring war in the two branches of the Legislature. When, therefore, the peace and safety of the country were placed in the hands of the two Houses, did it contemplate that in the exercise of these powers they should depend on newspaper information? The gentleman says, if we had passed a law for raising additional troops the last session, we should not have got the troops by this time. Mr. C. said this was the first time he had ever heard delay assigned as a sufficient reason for omitting to do anything. The gentleman says, we have every reason to believe that Spain entertains no hostile intentions towards us. But take the gentleman's own source of information, the newspapers, and we have every reason to believe, that from the year 1783, that Government has been in a conspiracy against the peace and unity of the United States. We know with what determination the Minister of Spain, in 1783, endeavored to make our Ministers accede to a more limited boundary of the United States than that established by treaty. Spain has never lost sight of this subject, and sometimes by fair and sometimes by foul means has continued to pursue it.

What is the object of this resolution? We find that great alarm exists, particularly on the Atlantic board. We find gentlemen from the westward either ignorant, or pretending to be ignorant of the existence of anything alarming. Under these circumstances, the House are without official information. We are told that because we have confidence in the Executive, we ought to rely on his giving us information as soon as it is proper. Mr. C. said he would submit whether this comported with the dignity of a Representative, and whether it was proper for him to depend on newspaper information.

Mr. ALSTON said that all he had observed in relation to newspaper information was in reply to what had been said on the other side.

Mr. J. Clay resumed his remarks; but, after uttering a few words, declared himself too unwell to proceed, and sat down.

Mr. Burwell said, on attending to the resolution, he thought it one that was highly expedient to be adopted at this time. He viewed it as a call upon the Executive for true and precise information of acts and measures on which the peace of the Union, perhaps, depended. It was perfectly immaterial to him whether Spain, England, or France, should be implicated in the information given; whether the whole or a part of these nations were combined in the project. It was sufficient for him that the peace of the country was threatened, that the minds of our citizens were alarmed, and that this was the only branch of the Government competent to preserve the peace of the country, and tranquillize the public mind. It was clear that danger did exist; that the peace of the country was threatened by a lawless banditti, whose object was to violate the laws of the country, and to dismember the Union. It was important to know the extent of these measures, that the Legislature might be able to decide what steps it was proper to take to guard against them. There was a time, Mr. B. said, when he should have been opposed to such a resolution. That time was when the Executive was endeavoring to gain information calculated to throw light on the plot; but that time had passed by. All those engaged in it must by this time be completely enlisted and embarked in it, and nothing which the Executive shall now disclose could extricate them from being secured and punished as they deserved. If a resolution were laid on the table for an inquiry into the nature of the plot, as that might place the men concerned in it on their guard, he should be opposed to it. But was it not known to every gentleman, that the plan was so far matured that the information could not reach the conspirators in time to prevent its execution? Suppose the Executive shall state to us, that certain individuals were implicated. Can that enable them to elude punishment? No, they are fully embarked, and nothing remains for us to do, but to take such measures as the case requires. Another advantage would result from the resolution. Suppose the Executive to have taken every necessary measure, and I believe, said Mr. B. that they have, to defeat these projects, what will be the consequence? Will not this information tend to tranquillize the mind of every man in the country? Mr. B. said he repeated, that it was because he had confidence in the Executive Magistrate; because he wished for true and full information on the subject; because the disclosure of persons implicated could do no mischief, and because an official statement would tranquillize the public mind, that he was in favor of the resolution. For his part, he was ready to say that if the Executive gave information that required an augmentation of our forces, he was prepared to give him the necessary means for defending the country, under the impression that it was the duty of every member to protect the Union from internal injury or foreign danger.

Mr. Masters.—Mr. Speaker: From the best information I have been able to obtain, the conspiracy is yet progressing with increased ardor and zeal. If there was no conspiracy existing and not a conspirator in the United States, I believe it high time to pursue more energetic measures for the safety, security, and honor of this nation, and at least be prepared to act. Has not the Government of Spain refused to ratify her solemn treaty, and for several years manifested hostile intentions towards the American nation, and actually put her troops in motion to invade our territory? Has she not refused to recall her Minister, who has repeatedly insulted the nation, and whose recall has been demanded by the Executive? Does she not continue to procrastinate and delay the pending negotiation, probably with a view to see the result of our negotiation with Great Britain, and, stimulated by France, to view that negotiation with a jealous eye, as though there were secret instructions to operate to her disadvantage, or some other pretence for aggression?

When the committee reported the bill to authorize the President to accept of volunteers, I must confess I was astonished, because the report contained no clause for raising regular troops. I therefore called on the committee, to know if that was the only measure contemplated by the committee. If it was, I thought it very inefficient in the present state of affairs, both internal and external. I obtained no direct answer, but was informed it was only a report in part.

I wish to get the necessary information from the Executive, and to pursue active and efficient measures, and not drink of the cup of national degradation.

Mr. Smilie.—We have had such a picture drawn of our situation, that I am willing to go any proper length. But I am surprised to hear such a representation made as would lead us to believe that we were on the eve of a war. If this representation be founded, it appears that certain persons have been perpetually intriguing, and have only waited for an opportunity to strike the most deadly blow. For one, however, I shall be indisposed, as I always have been indisposed, to go into measures of a warlike character without the most sufficient reasons. Indeed, my opinion is, that while the country is in a state of safety, we never should commit it to the horrors and hazards of war. On either side, we have nothing but newspaper information with regard to the representation that has been drawn. We know, however, from a different source, that a negotiation has been for some time depending with Spain; that that negotiation is not terminated; and that the troops of Spain, as well as our own, are on the frontier; and the commanders of those troops have made an agreement not to disturb each other until they shall have received special instructions. Does this look like being on the eve of a war with Spain? Surely not. And if not, why this extraordinary anxiety on this occasion? I do not like the resolution for this reason: it be-speaks a want of confidence in the Executive. Congress have the power to declare war and to provide the means of carrying it on; when provided, it is the Constitutional duty of the Executive to conduct it. Now, have we not already provided, or are we not already providing all the means that have been required? Do we doubt the capacity of the Executive to judge of the means that are necessary to be given, or of his using them properly? Is it to be presumed that if the President thought it necessary to apply for further means he would not have done so? Nobody can hold this opinion who does not doubt the integrity or the capacity of the President. It is his duty to do this, and if he has not done it, we must consider him either incapable of judging what is necessary, or as guilty of something worse.

An allusion has been made to the measures of the last session. It is regretted by the gentleman from Virginia that his opinions were not adopted; and he thinks he has a right to triumph, because the same measures which he then recommended are now found necessary. Suppose the same measures should now be necessary which he then recommended—which, however, I am far from admitting—are the circumstances of the country the same? It will be recollected that one of the purposes for which that gentleman wished troops to be raised was to chastise Spain. I was not of opinion that it was then necessary to chastise Spain, and I am still of opinion that it is not necessary to chastise her. Another reason has been assigned by that gentleman for those measures; it seems those measures would have prevented this internal conspiracy. It does not, however, appear that we knew of the existence of, or foresaw any conspiracy, or had any expectation of such a thing; nor did the gentleman himself apprehend or predict it. If he had entertained such opinions, it would certainly have been kind to have told us so. If, then, everything on this subject was so vague, are we to be told that it was necessary to raise troops to guard against a conspiracy that might happen seven years afterterwards? In my opinion, we ought not to have raised additional troops the last year, nor ought we to raise them this year, so long as things remain as they are. At all events, I will never give my consent, during the time of peace, to raise additional troops, unless necessary for garrison duty. I believe the militia and volunteers are abundantly sufficient for all exigencies. I will, however, say this, that if it should be considered necessary, from the extension of our territory, to raise troops for garrisoning our posts, I do not know that it will meet with my opposition. But as to raising additional forces with which to go to war with Spain, I have no idea of it; and as to raising troops to crush any conspiracy that may exist, or be apprehended, I see no necessity for it. It is remarkable that we should entertain any opinions in favor of such a measure, when the President, on whom the great responsibility rests, does not consider it necessary.

Mr. S. repeated his surprise at the alarming picture which had been drawn of our situation, and his opinion that no necessity existed to adopt the resolution at this time. If he believed the President inadequate to the performance of his duty, he might be the more ready to accede to it; but, believing him fully competent, he should vote against it.

Mr. HOLLAND.—This appears to me to be a very improper course. The President is requested to tell us what measures he has taken, and what measures he hereafter intends to take, to suppress this conspiracy. This seems to me to be extremely exceptionable, and may go to defeat the very end intended to be answered by obtaining the information desired. Where is there any necessity at all for this measure at this time? Is it not the duty of the President to give us such information at all times as the exigencies of the country requires? And have we not reason to repose confidence in the Executive? If we have, this resolution is altogether useless. We have been told by the gentleman from Virginia that if the measures recommended at the last session had been adopted, he thinks it would have been much better for the country, and that all kind of danger would have been removed. I, however, am one of those who do not possess that confidence in a regular establishment, which the gentleman from Virginia possesses. Nor have I any apprehension for the peace and safety of the country. I have reason to believe that there are some desperate characters engaged in disturbing the peace of society, but I confide in the integrity of the people; and I believe the strength of the militia will always be found competent to the exigency. If I have fears, they do not arise from this quarter; they do not arise from the want of a regular establishment. The larger that establishment, the greater my fears. If any fears are to be entertained, in my opinion they ought to be fears of the disaffection of the army. I hope, however, that we have no grounds for fears at present on this head. But if there should be any such disaffection, I believe the energy of the people would be sufficient to resist it—would be sufficient to resist any danger from within or without. Thinking differently from the gentleman from Virginia, and that the safety of the country does not consist in the extent of our Military Establishment, I am for taking different measures. I am against extending the army, but in favor of organizing the militia in such a way as to render it efficient. I am, however, hostile to the adoption of this proposition. The gentleman from Virginia (Mr. BURWELL) has remarked that the time has come when we may safely adopt the proposition. That gentleman may have information which we do not possess, that may induce him to form this opinion. But, from the information I possess, I think differently. I believe the President will communicate to us all the information that is necessary and proper for us to possess, and his not having communicated it in this instance is conclusive evidence to my mind of the impropriety of asking it.

Mr. FINDLEY considered the resolution as of some importance, and worthy of consideration before it was adopted. He therefore moved its postponement till Monday.

Mr. **Burwell** said he had a single remark to make in reply to the gentleman from North Carolina, who had intimated that he might be acquainted with some circumstances not in possession of the House. He begged leave to inform him, and the other members of the House, that he was acquainted with no circumstances other than those which he had obtained through the newspapers or from official communications.

Mr. **Lloyd.**—When this resolution was laid on the table, it appeared to me so simple that nobody could doubt its propriety. For my own part, I shall not enter into a consideration of the measures of the last session—the propriety or impropriety of which are not now at issue. The only question before the House is this: Is it proper for this House, when the country is threatened with an insurrection or an invasion, when there is reason to think imminent danger exists, to request the necessary information, to prevent the injurious consequences that may ensue, without the application of proper remedies? I have heard but three objections made to this resolution, neither of which seems to me entitled to the least force. The first is, that if the resolution be carried to the President, he will consider it his duty to communicate all the information in his possession. But gentlemen who make this objection surely have not attended to the language of the resolution. Does it not expressly confine the request to the communication of such information as the President may think proper, and such as may not defeat any objects he may have in view? If, then, he has received any information which he may deem it improper to communicate, he is authorized by this very resolution to withhold it. I should have very little confidence either in the ability or integrity of the Executive if, in contravention of the wishes of this House, and in direct hostility to the objects intended to be answered by this request, he should communicate information which ought to be withheld. The gentleman from North Carolina, (Mr. **Alston**,) who has spoken of the resolution as compelling the Executive to communicate information in his possession, must surely have overlooked its discretionary language.

The gentleman from Pennsylvania has observed that the resolution appears to him as expressive of a want of confidence in the Executive. If the doctrine of confidence is to be carried to this length, that you, who are the guardians of the people, shall sit idle spectators of every impending storm, I shall never subscribe to it. However I may confide in the integrity and wisdom of the President, I owe something to myself; nor can I sit here merely to legislate under Executive patronage. I want facts on which to act. If the resolution shall be adopted, it will betray no want of confidence in the Executive; it will only manifest the zeal of the House to possess information which it is necessary for them to have before they can be prepared to act.

Mr. **Alston.**—The gentleman from Maryland says this call on the Executive is necessary. But what is the state of the case at present? Is it not the duty of the President, under the Constitution, at all times to give such information to the Legislature, as he may deem necessary and proper for them to act upon? And what is the language of the resolution?—To give such information as in his judgment shall not be improper. On this ground then, it is not necessary to adopt it. But take the subject in the view in which I before presented it. If we call on the Executive in this way, he will deem it his duty to give the information called for. I have not particularly attended to the phraseology of the resolution, but I question very much whether the qualification in the fore part of it applies to the latter part, which refers to the measures taken, or intended to be taken by the Executive. It is clear that some parts of this information may be improper to be communicated. For my part, I believe that such a communication on this subject, as is proper, will be laid before us as soon as practicable. On this point of confidence in the Executive Magistrate, I will say that I am not in the habit of subscribing to the opinions of any man, or set of men whatever. An implicit dependence on the opinions of others is altogether contrary to my habits; but can any man doubt that if there is anything in the possession of the President, proper in his opinion to be communicated, he would have conceived himself bound to have communicated it before this day? As I said before, two or three days may bring us a Western mail, and news of the extent and state of the conspiracy. Let us wait till this time; the state of things may then induce us to call on the President for information. It has been but a few days since we have heard from Orleans: there appears to exist there the greatest confidence in the Executive, and a force sufficient to meet any force that may be brought from the upper country. Do we know the extent of this combination, or all the characters implicated in it, and where they now are? If the President were to make a communication on the subject, is it not probable, that if there are any among us concerned in it, we should disclose it to those interested in making their escape, even were it communicated in confidence? May not the safety of the Union depend on defeating it before a disclosure be made? If such a disclosure be made, will not the conspirators either make a decided stand, or, by retreating, screen themselves from punishment? We have had, however, I believe, enough of confidential communications; and I hope we shall not soon have any more. I, for one, am ready to wait till the President shall deem it advisable to make a communication to this House.

Mr. **Holland.**—If we were called upon by the Executive to act in this case, it might be proper to ask for information. As, however, we have not been so called upon, and as the Executive is the proper organ for taking the necessary measures on this subject, the adoption of this resolution on our part would evince a desire to intermeddle with his duties. As the Constitution enjoins it upon him as his duty, to give information to the Legislature from time to time, I can only consider the request made, under the impression that we have not confidence in him. It is true the resolution is couched in very curious language—it requests only such information as he may deem the public welfare required not to be disclosed. But what is the balance of the information? Exactly what the Constitution enjoins upon him to give. What is the inference? That the President of the United States has not discharged the duties of his office; that he has not done what it was his duty to do; that he has been guilty of delay; and that Congress has been compelled to tell him he has not done his duty. Such considerations ought to induce us at least to hesitate before we pass such obloquy on any branch of the Government, and more especially upon the President, as the confidence we now ask for him is merely that reposed in him by the Constitution.

At the instance of Mr. DANA, the Clerk read the following extracts from the Journals of the House:

"MONDAY, January 2, 1797.

"*Resolved*, That the President of the United States be requested to cause to be laid before this House, information of what measures have been taken for carrying into effect the Treaty between the United States and the Dey and Regency of Algiers; and also, whether any, and what further Legislative aid may be necessary for that purpose."

"FRIDAY, March 30, 1798.

"On a motion made and seconded, that the House do come to the following resolution:

"*Resolved*, That the President of the United States be requested to communicate to this House, the despatches from the Envoys Extraordinary from the United States to the French Republic, mentioned in his Message of the nineteenth instant; or such parts thereof, as considerations of public safety and interest, in his opinion, may permit."

"*Ordered*, That the consideration of the said motion be postponed until Monday next."

"MONDAY, April 2, 1798.

"The House proceeded to consider the motion of the thirteenth ultimo, relative to the despatches of the Envoys Extraordinary from the United States to the French Republic: Whereupon, the said motion being amended at the Clerk's table, to read as follows:

"*Resolved*, That the President of the United States be requested to communicate to this House the instructions to, and despatches from the Envoys Extraordinary from the United States to the French Republic, mentioned in his Message of the nineteenth ultimo:

"The question was taken, that the House do agree to the same, as amended, and resolved in the affirmative—yeas 65, nays 27."

Mr. ALLEN, from the committee appointed to present to the President of the United States the resolution of this House, relative to the instructions to, and despatches from the Envoys Extraordinary to the French Republic, reported that the committee had, according to order, performed that service; and that the President signified to them, that he would take the subject into his consideration, and do thereon, what it should appear to him the public safety required."

Mr. G. W. CAMPBELL.—I understand the question to be on postponing the consideration of the resolution till Monday. I have never opposed a resolution calling for information in any case where I believed the information could be of any possible use; nor am I disposed to say that it is at present necessary to negative this resolution, but I do not see any use in adopting it at this time. I ask what use is to be made of the information the resolution proposes to obtain? In introducing it, we are told that the country was threatened with a conspiracy. Will gentlemen say their object is to raise a standing army to quell it? Are we to do nothing until we get a war establishment? If so, the conspirators will have time to accomplish their object, or to fly from justice, before they are overtaken. Whatever may have been the object of the conspiracy, it is at this time either consummated or exploded. It is either carried into effect, or the probability of its being effected is destroyed. It has been said, if the measures proposed at the last session had been adopted, the country would not now be menaced from abroad, or conspiracies be engendered within. I cannot conceive the use of introducing, on this occasion, such observations. The object recommended at the last session was to raise a war establishment, not merely to encrease the existing peace establishment. This was declared the last year, and it has been declared this year. Gentlemen have said, they will not increase the peace establishment, but will create a war establishment. What were the apprehensions entertained the last year, on which the proposition of these measures was founded? Has the danger from Spain, then insisted upon, been realized? No, sir, official documents tell us the contrary. If the reason brought forward last year did not justify it, nothing has since intervened to sanction it.

Will the gentleman, who says if we had adopted the measures recommended the last session, they would have averted the dangers which now threaten us, tell us whether there was then any reason for apprehending them; will he say that he then expected this man would at this time have been carrying on this conspiracy? If so, he surely ought to have told us of it. I am disposed to believe, that so far as relates to this, or any other combination within our limits, no standing army is necessary. If we must have a standing army, to put down our own citizens, whenever there is any serious violation of the laws, it is high time to lay down our liberties. If the militia are incompetent to maintain the peace, it is full time to acknowledge the futility of our political principles. On this ground never will I agree to raise a regular army, to meet our own citizens. As far as it depends upon me, it never shall be said, that we have raised a regular army to turn their bayonets against our citizens. If the majority of the people shall be embarked in an insurrection they ought not to be controlled; and if the majority shall be on the other side, they will have power to crush it. It has been stated, on the introduction of this resolution, that a member of the select committee who brought in the bill, authorizing the President to raise volunteers, proposed an increase of the regular army, similar, it is added, to the increase proposed during the last session. The fact, however, is this: The gentleman alluded to offered two propositions; one to add to the present peace establishment, which was rejected by all the members of the committee but himself. Even the gentleman who introduced the resolution under consideration gave his vote against this proposed increase of the peace establishment.

There is a bill now before me, from the Senate, the object of which is to increase the peace establishment; and this the gentleman says is one of the measures proposed at the last session. I have, however, already observed, that that gentleman opposed the proposition for increasing our peace establishment, and yet he informs us that this measure is the same with that proposed the last session for the creation of a war establishment. I have considered it my duty to make these observations, because, at the last session, I was opposed to raising an army; and I am still opposed to it, unless the public exigencies require it. I do not, however, consider this the proper time to investigate this point; as, if it be intended to crush the conspiracy, the measure will be too late.

It may be proper to observe that in my opinion this conspiracy has been painted in stronger colors than there is reason to think it deserves. It has been stated as dangerous to the Union. On what grounds? There is no evidence that there is in any part of the United States two hundred persons collected for the purpose of carrying it into effect. We have not even evidence of this. We have indeed newspaper evidence, that it was reported that the author of it was to march at the head of two thousand men. and that four thousand Kentuckians were to follow: At the same time, however, that Kentucky is taking the most effectual measures to crush it. So far from there being four thousand Kentuckians enlisted, I do not believe there are ten, unless, indeed, the stragglers passing through that State are so denominated.

The gentleman from Pennsylvania has observed that the members from the Western country are either ignorant, or pretend to be so, of this plot. I cannot suppose the gentleman alluded to any member in this House. There is one circumstance on this head worthy of notice—the greater part of the men associated came from the Eastern country, and from the State of the gentleman from Pennsylvania. With regard to the sentiments of the Western country, I believe they are as well affected towards the Union as those of any part of the confederacy. I do not conceive there is ground for the alarm that has gone forth. I am, however, willing to take any proper measures to aid the Executive in crushing the plot.

It has also been observed by the introducer of this motion that the expenses attending the military expedition on the Sabine will be equal to the expenses that would have attended the proposed augmentation of the army. But it seems to me that this must be altogether a mistake. This expedition was composed of the regular forces and about five hundred militia, who were engaged but for a few weeks. The expenses of the former may have been somewhat increased by their movement, and the price of provisions; but no additional expense has been incurred for their pay. The only important item of expense must arise from the militia—this cannot be considerable; it will not be pretended that it can bear any comparison with the expenses of raising an army of five or ten thousand men. I am not disposed to say anything of the expenses incurred by the commander of the army at New Orleans, as I am unacquainted with the subject; but I presume it cannot be considerable.

But, to return to the only question before us; the President has informed us that there is a combination, the object of which is to conduct a military expedition against the territories of Spain. What is the information which we have since received? Does it not go to the same object? If the President is convinced, from information since received, that the object is a different one, is it not most probable that he would have so advised us? If the secret information respecting those implicated be divulged, will it not put many concerned in it on their guard, and induce them to escape? This is the evil I apprehend from agreeing to this resolution, and none other. Believing, therefore, that the information we may receive will not enable us to strengthen the hands of the Executive, I shall vote for postponing the further consideration of this resolution until Monday. The President has already advised us that he has taken such measures as are calculated to check the expedition, and bring its abettors to punishment. He possesses the power of calling out the militia if he thinks the case requires it; and I know of no acts which we can pass, which can strengthen the hands of the Executive more than the existing laws.

Mr. J. Randolph.—It appears to me that the resolution is treated, I will not say intentionally, with unfairness. It is a resolution calling for information, and yet gentlemen opposed to it call upon us for information to prove its propriety. They ask, do you know this or that? We answer, no; but we wish to know it; and that we may know it, we ask; and yet the requisition is opposed, because we cannot give them the information it calls for. If we had the information, I should suppose that circumstance would be a stronger reason for disagreeing to it. If we possessed the information, we should not want it. But it is said the danger has proceeded to such a length, and the crisis is so advanced, that nothing which we can do will have any effect. Are we then merely to call in the political undertaker to take charge of the body politic, which is defunct, to commit it to the dust? Gentlemen say it is too late to do anything. Either the affair has proceeded to such a length that it has by this time succeeded to the utmost, or is altogether defeated. But are gentlemen prepared to say that the partial success of the conspiracy shall be conclusive in its effects; that the nation will set down contented if Baton Rouge or New Orleans is reduced?

While on this subject, permit me to say that when I referred to newspaper information, I did not refer to the vague reports generally circulated through those organs of information, but to evidence legally taken in the case of Judge Sebastian, which, though found in the columns of a newspaper, I consider satisfactory evidence. If it is not, I hope some gentleman from Kentucky will get up in his place and tell us so. I alluded to this information as exhibiting the intriguing disposition of the Spanish Government from the peace of 1783 to the year 1797.

The gentleman from Pennsylvania has told us of some kind of an armistice entered into between the commander of our army and the commander of the Spanish forces. But I should be glad to know from what quarter he derives this information. I believe there is no such information. There may be some tacit informal understanding; but I believe there is no armistice. If there is I have not heard of it; and will this House confide in the tacit understanding between two commanders, when they have seen the Government of Spain endeavoring to dismember the Union after entering into a solemn treaty with us? In former days we have heard much of Castilian honor and virtue. But at the present day the thing is not—it does not exist. We have evidence that while that Government was treating with one hand, she was preparing to stab us in the dark with the other.

I again invite the House to draw a proper inference from the indecent, insulting, outrageous demeanor of the Minister of Spain. I did understand that he was to have been deported—shipped off. On the contrary I find him still here; and is not the inference of my friend from Pennsylvania irresistible, that, considering the crowd of memorials presented by him to the Government in the case of Miranda, and that no remonstrance has been made against this pretended expedition against Mexico, that he is acquainted with it—that he knows that it is ostensibly for Mexico, but really for Orleans—for the severance of the Union.

Some gentlemen make extremely light of this conspiracy. I cannot, however, conceive how a man in a state of ignorance respecting its nature or extent can make light of it. The very circumstance of not knowing the extent of danger has a tendency to magnify it beyond its natural size. But there is one fact which has come so direct that it cannot be doubted. I believe it will altogether depend on the circumstance of the conspirators getting to Baton Rouge before the troops of the United States arrive there, whether New Orleans shall fall; and the waters of the Red river are so low that we cannot decide when our troops will arrive—they will get possession of the ordnance, and nothing can prevent the reduction of Orleans but a pitched battle.

But who can see, according to the intimation of some gentlemen, in the resolution under discussion, a proposition either for a war or peace establishment? It is no such proposition. It seems, however, that an expression of mine bore hard on the worthy gentleman from Pennsylvania, for which I am very sorry. But I can only say, "let the galled jade wince, our withers are unwrung." But I beg leave to repel, in the most decided manner, the charge that we are triumphing at the consequences of the measures of the last year. If I could triumph at the calamitous situation of my country, there is ample cause indeed for triumph. But let me change situations with the other gentleman. Let him have the finger of scorn pointed at him; let him be denounced; let the cry of mad dog, of political defection, be raised against him; and let him see all the measures for which this denunciation was made adopted and asserted by his adversaries; would he not feel some chuckling, or would he be so base, so mean, so abject, as to lie down and say that though he knew them to be right, he dare not declare them so? You may begin with these measures, and go on from alpha to omega. The first of them is the famous non-importation law. It is gone—abandoned—given up. Another great point of difference was the bill relative to the public debt, which we have had under consideration this day. It is passed. Then comes the salt tax—passed on a recommendation from the Executive. We have next the measures for the increase of the public force—we have a bill from the Senate to that effect. And are we to be amused by a quibbling distinction between a war and a peace establishment? The force is the same in either case, ready to be used against foreign enemies or domestic conspirators; there is no difference except this, that our proposition was less obnoxious than theirs; inasmuch as the peace establishment is for all time, the war establishment merely temporary. And is it not wonderful that gentlemen who avow themselves hostile to a standing army are against a temporary, but in favor of a permanent establishment! No, sir, I cannot take a retrospect of the past without feeling a degree of conscious pride that my aid was not given, that I had no hand in the acts of commission or omission that have brought us to this deplorable state of things. I am asked if I foresaw the conspiracy of this, as he has been called, modern Catiline? and if I did not, I am desired to take no credit to myself for the measures proposed. What! Will logic of this kind go down with the House or the nation? Because we did not point out individual danger, but foretold it in the general, are we to be denied the credit of warning the country against any danger? But I well recollect there was an argument urged, if not in these words, to this effect: if you do not protect the Western people, and extend to them the benefits of a free, equal, and strong Government—I say strong, for none but an equal and free Government can be strong—they will look out for friends and protectors elsewhere; and is not this prediction verified? It is, sir—I say not this in relation to the Western people exclusively—the same would be the case in any other part of the Union. Suppose the line of Vermont threatened; that British troops should pass it in hostile array; and that the British Minister should act in the same way with the Spanish Minister; what would the public sensibility be? What it ought to have been last year—what it ought to be now.

But the gentleman from Pennsylvania says, by passing this resolution we shall betray a want of confidence in the Executive, and more especially in the President; that he will give us such information as he thinks proper, and if we want more, we act like naughty boys, who call for more than comes to their share. Indeed! Did that gentleman, in the better part of his political life, utter such sentiments? I will warrant him he did not; and when he feels how contradictory they are to all the good old maxims of the republican party I am confident he will abjure them. As to my confidence I am not so fortunately situated as the gentleman from Pennsylvania, because my belief in men, politics, and religion, is a matter of reason as well as of faith. There never did or can exist a President of the United States who will command my confidence to the extent of the gentleman from Pennsylvania, and I believe the cultivation of a degree of scepticism in politics would not be unuseful to that gentleman as well as others. My confidence in the Executive will depend on their conduct. If their conduct shall be such as it ought to be, they shall have my confidence. But I cannot go so far as to mortgage it to them, be their conduct what it may, without reserving even an equity of redemption. This may be an infirmity of my nature; but I cannot, I never could act otherwise. I think the gentleman said, that if, on account of the acquisition of Louisiana, it were thought necessary to increase our peace establishment, he should be willing to go as far as the bill from the Senate goes. When was that Territory acquired? Since the last session? If so, his observation is to the purpose; but to make an acquisition, obtained three or four years ago, the cause of augmenting the peace establishment of the present day is rather unfortunate, and it appears to me that if the increase of the army be intended for specific purposes, the greater the increase the worse our situation. As to standing armies, I have no great idea of them—*fruges consumere nati*—and with regard to our army, they are so cut up that little reliance can be placed upon them. We find one company between the two States of Rhode Island and Connecticut, one company in Boston harbor and at the arsenal at Springfield, one company appointed to defend the important port of New York, and so on. How are these men to be made troops in garrison? I believe whenever they shall be called into action they will prove they are not troops. I have no hesitation in saying, that if gentlemen depend on this broken staff they will be disappointed; and that if necessity calls for it, the best way to get an efficient army will be first to get rid of the present inefficient one. Is this arraigning the conduct of this or that department? No, sir, but that narrow policy which is pursued by the House—a policy which it is high time for us to lay down, whether we regard the saving of expense or the public safety. When I say that it is high time to lay down this narrow policy, let me be explicit. I have as much confidence as other gentlemen in the militia when at home; but if the United States were to conquer the Cape of Good Hope, I would not think of protecting the place by the militia. I believe the militia as adequate to the protection of New Orleans as the Cape of Good Hope; and after paying fifteen millions for the Mississippi and its delta, shall we be so penurious as not to defend this important point—this key to our strong box?

I hope the motion to postpone this resolution will not prevail, because I fear it has been already delayed too long. I have withheld it from the considerations I have already mentioned—from a belief that a disclosure of circumstances at the time of crisis might be injurious to the public good—from the hope that the best political measures had been taken for the public safety—and from the belief that the House of Representatives would be called in due season to take such farther measures as the exigency of the State might require. But does it follow that if the affairs of the United States are in such a situation, and the Executive has not considered it necessary to take measures, (conceding this, for argument sake,) that Congress shall take none? What does this amount to? As far as the Executive goes we are authorized to follow—not to keep pace with, much less shoot ahead of him. If there is a difference of opinion, you are in the wrong—you must submit to the mere duty of registering his edicts. I am one of those who do not feel disposed to stand on this ground. I have a respect for the opinions of the members of this House, for the opinions of well informed men out of doors, for those of the President and the heads of departments, but I do not entertain these sentiments to such an extent as to abandon my own opinions, to grope like a mole in the dark, and to be contented with what is shown me. Let us not call ourselves statesmen or legislators if we are ready to act without information. We may make a kind of conservative Senate; but higher we can never rise if we adopt a course of this kind.

Mr. Smilie.—The gentleman from Virginia asks if I ever consented to call on the President for information. I have. But I never have called upon him for information during a pending negotiation. With regard to what I said of the Executive, I say it again, and I believe those who know me will not doubt that I have as much independence as the gentleman from Virginia.

[Mr. J. Randolph explained. He did not, he said, question the independence of the gentleman from Pennsylvania. He only questioned the correctness of the principles which he advocated—principles on which he hoped he would never act—principles which would lead to a practical dependence, which he hoped the gentleman would abjure.]

Mr. Smilie.—I do not know what principle the gentleman alludes to. I will state what I said before. If we adopt this resolution we betray a want of confidence in the Executive Magistrate. I say so again. It belongs to us to provide the means, and to the Executive to apply them. It his duty to ask for means when he considers them necessary. I say, when the necessary forces are prepared, or about to be prepared, such a requisition betrays an improper jealousy, a want of confidence in his judgment or integrity. If the object of the gentleman be to declare war, I agree that a call for papers may be proper. But this object is not avowed.

I agree with the gentleman from Virginia in the opinion he has expressed of standing armies, and it is because I hold this opinion that I never will agree to raise them in a time of peace. For my part I am not disposed to the knight-errantry of contending with Bonaparte; neither have I any fear of a French or British invasion. I apprehend no such designs, and with regard to this conspiracy, I think we have the means of crushing it within our reach, without resorting to an army. To me it is strange that we behold so much zeal in the East, when the Western States are so little alarmed. My object is to avoid war as long as I can consistently with honor. I consider it as among the last of evils, and I never will resort to it but in case of necessity. If the gentleman is correct in the portrait he has drawn, I will not say that it would be altogether incorrect to make use of the means he has proposed. But I entertain a totally different opinion of the state of the country.

Mr. EPPES.—I shall vote against the postponement, as involving the principle contained in the resolution. I shall vote for the resolution, because I believe the information it calls for important to the House and the country; and because I think its terms such as ought to preclude every possible objection to it. If the gentleman from Virginia had confined his observations to the resolution, I should not have opened my mouth. But when the vote I gave last year is questioned, here or elsewhere, I consider myself bound to justify it in the face of God and the nation.

Whether we shall retrace the ground of the last session I do not know. For one, however, I am against raising an army, and I call on gentlemen to show its necessity in the present posture of our affairs. What circumstances have arisen to make an army more necessary now than then? Then the armies of the United States and of Spain were arrayed against each other on the Sabine, and there was an enterprise against the Spanish possessions. What is now the situation of the United States as to its force on the Sabine? It is sufficient. There has been no time when we had not man for man with the Spaniards. An agreement is made, and our troops are withdrawn. But we are told that Orleans is to be attacked, that the safety of the country is endangered, that the very Union is at stake. Where is this danger? Do gentlemen expect, as in days of old, an army to be raised from the ground? Is not Blannerhasset, with his miserable party of 150 men, checked in every quarter? For my part, I do not know the existence of danger; and, although I shall vote for the resolution, I believe that the present force of the United States is sufficient to suppress the conspiracy and to meet the Spanish forces. The only reason that the conspiracy is not already suppressed, is, that the laws do not provide for cases less than treason. But we have just passed a law for this purpose. At present, I ask gentlemen to point out any authority by which a single boat can be seized, unless under the State laws.

As to the situation of the Western country, I feel no alarm. I do not believe the fair fame of a State ought to be impeached by the misconduct of a few unprincipled men. We may sweep the whole bench without endangering the State. The conduct of the State of Ohio has been eulogised by the gentleman himself. And what is the conduct of the Territories? In Orleans they are prepared to meet the conspirators. The merchants have patriotically come forward with a tender of their services. For my own part, I do not see in this case any indications of danger, but I am notwithstanding in favor of adopting the resolution, as the means of giving us information, which, I believe, will be valuable to the House and the country.

The question was then taken on postponing the further consideration of the resolution till Monday, and lost—yeas 38.

Mr. J. RANDOLPH.—Before the question is taken, I will observe, though it may seem strange, that this is not a proposition to raise a standing army, or to declare war. Nor do I see how the opinions of gentlemen on these points are implicated. For my part, I have the same opinion of standing armies now as ever. I have no disposition to raise regular forces for the defence of New York, or Baltimore, or of my native State—there is sufficient population for their defence in all those quarters. But in the country I have spoken of, there is no militia.

Again, on the subject of the situation of the State of Kentucky, I have cast no odium on Kentucky. I am happy to find Kentucky contains within her bosom honorable men enough to keep in check those that are dishonest. But I cannot draw so favorable an inference of the public sentiment in any country, when I see a most extraordinary and ramified combination, composed of the most leading characters, and the most flaming patriots too, for the express purpose of severing the Union.

In my opinion the true way of avoiding danger is not to despise it. Suppose even that gentlemen are right, and that I am wrong. If I am wrong, no danger can ensue from my error; but if they are wrong, the greatest public calamity may ensue from theirs. So, on their own principles, gentlemen ought to agree to the resolution.

I do conceive, and it gives me extreme concern, that the very mention of a disunion of these States is a great public injury; it goes to unhinge the tone of the public mind; it makes them familiar with the possibility of the thing, and once admitted into their breasts, they will not contemplate it with that abhorrence in which it ought to be held by every true patriot. If the mere talk of the thing be mischievous, what shall we think of a plan such as this is reported to be. I do not conceive it to be a thing of yesterday; but an affair of long standing. Look back to the times when the character implicated in this conspiracy first began to move in that country. It was at least contemporaneous with the disappointment of his ambition. Look further back; look at the famous propositions of Thomas Powers. It appears to me that these are parts of the same disease, and that it is a most extraordinary thing that, although so extensively incorporated into the body politic, the country should remain so long profoundly ignorant of it.

Mr. Thomas asked for a division of the question at the words "United States." He said he had no objection to the first member of the resolution, the agreeing to which would enable them to obtain all the information that was requisite to form a judgment of the magnitude of this national calamity. He was decided against the other part of the resolution. It would go to expose the military operations, pursued under the President, for the purpose of intercepting and defeating the conspirators. It was evident to every man acquainted with tactics, that military operations, to be effectual, must frequently be conducted with the greatest secrecy.

Mr. Early inquired whether the yeas and nays would be taken on each member of the resolution. The Speaker answering in the affirmative, Mr. Early moved to adjourn. This motion was disagreed to—yeas 47, nays 68.

Mr. Stanton declared himself against the resolution.

Mr. Elmer said he was opposed to both members of the resolution. He was not prepared at this time to vote for it, because, when such a call was made, the House ought to have some specific proposition before them on which they meant to act. No such proposition was at present before them. He added that he had full confidence that, when the President was possessed of such information as he thought ought to be communicated, he would promptly impart it.

Mr. Jackson.—I believe it has been decided by the Speaker that, after the question is taken on the first member of a resolution, it is out of order to debate the second. As I mean to vote for the first, and against the second member, I will now assign my reasons for the vote I will give. The second member leads to a palpable absurdity. It calls on the Executive to inform us what he means to do. I am at as great a loss as some other gentlemen to determine what connexion there is between this proposition and the proposition of the last year to chastise Spanish insolence. I trust that the people will appreciate the force of the remark, that if the measure recommended at the last session had been adopted, there would be now no danger. The argument urged on this occasion is the constant pretext for raising standing armies. This measure was, however, rejected by the good sense of the people in 1799, and I trust to God it will be rejected in 1807. The argument of the gentleman goes to this, that a state of things which no human reason could foresee, is to be overawed by raising a standing army long before its occurrence. If in this case it is necessary to resort to a standing army, why did we not do so in Fries's insurrection, as well as in that of the preceding insurrection in Pennsylvania? I, however, rejoice to coincide in opinion with a great majority of the people, that the militia may be safely depended upon; and if I had not this reliance upon them, I would instantly yield up my confidence in the practicability of a republican government. But it appears to me that this question, from the extraneous circumstances mingled with it, has assumed an importance to which it is not entitled. It is merely a resolution to obtain information, part of which I think will be important, and which I am sorry gentlemen do not all agree in requesting. It has no connexion whatever with a standing army; but the mover of it, having dragged an army into the parade, rendered it necessary for those who differ from him to repel his observations.

Mr. Sloan said, he hoped that the House would have agreed to postpone the resolution. It was in his opinion important, and a decision upon it ought not to be precipitated. He, therefore, still hoped the House would adjourn, and that, after reflection, they would entertain a different opinion from that which they at present appeared to hold. He said that he was opposed to both members of the resolution; to the first, because it was only calling on the President to do his duty, when there was no doubt that every measure had been taken by him which was necessary, and because it would be injurious at this moment, as betraying a want of confidence in him. As to the second member, it might be fraught with still greater evils.

Mr. Gregg wished to know whether it would be in order to move a postponement of the second member of the resolution after a vote on the first? When he first heard the resolution read, he was disposed to vote for the whole of it. This was a practice, when information was called for, which he had always pursued. On further consideration, the first part of the resolution appeared to him proper, but he could not view a part of the second member in the same light. He alluded to that part of it which called on the President to inform them what measures he meant to pursue. He believed that it was an unprecedented thing to require such information. He had hoped that the gentleman from Connecticut, who had offered to the House the proceedings adopted on like occasions, would have offered some precedents of this kind. If any such existed, he had no doubt he would have found and submitted them. He must, therefore, conclude that there were none such. Mr. G. concluded by saying, he had no objection to pursue the course adopted in the cases cited by the gentleman from Connecticut. He should, therefore, vote in favor of the first part of the resolution, but against the second, as it then stood.

Mr. J. Randolph gave notice that, in case the first member of the resolution was adopted, he meant to modify the second.

Mr. Alston said, he thought the first member of the resolution required modification as well as the second. As it stood, he conceived that great mischief might result from it. He believed that, whether the President gave the whole or a part of the information called for, the conviction would go abroad that a part was retained. He believed that the resolution would have the same effect without, as well as with, the discretionary language contained in it. It appeared to him to require amendment, though he was not at this time prepared to offer one. He wished gentlemen to reflect on the difficult situation in which they might be placing the President, and to consider the step dispassionately before they took it. If the resolution were carried, he would rather the discretionary words should be struck out; and that the President might, if he thought it necessary, give the information in confidence. Mr. A. concluded, by moving to postpone the further consideration of the resolution till to-morrow.

On this motion, the House divided—yeas 48, nays 68.

Mr. G. W. CAMPBELL said, he believed this was almost the first time gentlemen had been compelled to vote without being prepared. He had before said he had not made up his mind on the propriety of the resolution. So far as it went to obtain information from the Executive, of the nature and extent of the conspiracy, he should not vote against it: to that part of it which called for his plans, he was decidedly opposed.

The question was then taken by yeas and nays on the first member of the resolution, which was carried—yeas 109, nays 14, as follows:

YEAS—Evan Alexander, Isaac Anderson, John Archer, David Bard, Burwell Bassett, George M. Bedinger, Silas Betton, John Blake, jr., Thomas Blount, James M. Broom, Robert Brown, John Boyle, William A. Burwell, William Butler, George W. Campbell, John Campbell, Levi Casey, Martin Chittenden, John Claiborne, Joseph Clay, Matthew Clay, George Clinton, jun., Leonard Covington, Samuel W. Dana, Ezra Darby, John Davenport, jr., John Dawson, William Dickson, Theodore Dwight, Elias Earle, Peter Early, James Elliot, Caleb Ellis, William Ely, John W. Eppes, James Fisk, John Fowler, James M. Garnett, Charles Goldsborough, Peterson Goodwyn, Edwin Gray, Andrew Gregg, Isaiah L. Green, John Hamilton, Seth Hastings, Wm. Helms, David Holmes, David Hough, John G. Jackson, Walter Jones, James Kelly, Thomas Kenan, John Lambert, Joseph Lewis, jr., Henry W. Livingston, Edward Lloyd, Duncan McFarland, Robert Marion, Josiah Masters, William McCreery, David Meriwether, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Jonathan O. Mosely, Gurdon S. Mumford, Jeremiah Nelson, Thomas Newton, jr., Gideon Olin, Timothy Pitkin, jun., John Porter, John Pugh, Josiah Quincy, John Randolph, Thomas M. Randolph, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, John Russell, Peter Sailly, Thomas Sammons, Thos. Sandford, Martin G. Schuneman, Dennis Smelt, John Smith, Samuel Smith, Henry Southard, Richard Stanford, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, David Thomas, Philip R. Thompson, Thos. W. Thompson, Uri Tracy, Abram Trigg, Philip Van Cortlandt, Killian K. Van Rensselaer, Matthew Walton, Robert Whitehill, Eliphalet Wickes, David R. Williams, Marmaduke Williams, Nathan Williams, Richard Winn, Joseph Winston, and Thomas Wynns.

NAYS—Willis Alston, jr., Joseph Barker, Barnabas Bidwell, John Chandler, Frederick Conrad, Ebenezer Elmer, William Findley, Silas Halsey, James Holland, James Sloan, John Smilie, Joseph Stanton, Joseph B. Varnum, and John Whitehill.

Mr. J. RANDOLPH.—The objection taken to the second member of the resolution, I am willing to allow; for, under the aspect in which it has been viewed by some gentlemen, it possesses considerable force. I mean that part of it which relates to the future measures of the Executive. I believe, on a fair construction, however, it will be found not to require the information of the measures which, as a military man, as Commander-in-chief, he means to take; but to request to be informed whether he means to rely on the existing military force, or means to call out the militia. To obtain, however, the greatest possible unanimity, I move to amend the resolution, by striking out the words "and proposes to take."

It appears to me that the House ought to know what measures are taken—to form an estimate whether those measures are, in their opinion, sufficient. It might so happen that the President has taken measures which he thinks sufficient, and the House, notwithstanding, think other measures necessary. At any rate the information can do no harm.

Mr. THOMAS asked whether the President could communicate what he had done to defeat the conspiracy, without developing what he meant to do? He said it was impossible.

The amendment was then carried without a division, when the question was taken by yeas and nays on the last member of the resolution, which was likewise agreed to—yeas 67, nays 52.

YEAS—Evan Alexander, Burwell Bassett, George M. Bedinger, Thomas Blount, John Boyle, William A. Burwell, John Campbell, John Claiborne, Joseph Clay, Matthew Clay, William Dickson, Theodore Dwight, Elias Earle, Peter Early, James Elliot, Caleb Ellis, William Ely, John W. Eppes, James Fisk, James M. Garnett, Charles Goldsborough, Peterson Goodwyn, Edwin Gray, Andrew Gregg, Seth Hastings, William Helms, David Holmes, David Hough, John G. Jackson, Walter Jones, James Kelly, Thomas Kenan, Joseph Lewis, jun., Henry W. Livingston, Edward Lloyd, Duncan MacFarland, Robert Marion, Josiah Masters, Wiliam McCreery, David Meriwether, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Jonathan O. Mosely, Gurdon S. Mumford, Jeremiah Nelson, Thomas Newton, jun., Timothy Pitkin, jun., John Porter, Josiah Quincy, John Randolph, John Russell, Thomas Sammons, Thomas Sandford, Martin G. Schuneman, Dennis Smelt, Samuel Smith, Richard Stanford, William Stedman, Lewis B. Sturges, Samuel Taggart, Philip R. Thompson, Abram Trigg, Killian K. Van Rensselaer, Eliphalet Wickes, and David R. Williams.

NAYS—Willis Alston, jun., Isaac Anderson, John Archer, David Bard, Joseph Barker, Silas Betton, Barnabas Bidwell, John Blake, jun., James M. Broom, Robert Brown, William Butler, G. W. Campbell, Levi Casey, John Chandler, Martin Chittenden, Frederick Conrad, Leonard Covington, Samuel W. Dana, Ezra Darby, John Davenport, jun., John Dawson, Ebenezer Elmer, William Findley, John Fowler, Isaiah L. Green, Silas Halsey, James Holland, John Lambert, Gideon

Olin, John Pugh, Thomas M. Randolph, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Peter Sailly, James Sloan, John Smilie, Henry Southard, Joseph Stanton, Benjamin Tallmadge, David Thomas, Thos. W. Thompson, Uri Tracy, Joseph B. Varnum, Matthew Walton, John Whitehill, Robert Whitehill, Marmaduke Williams, Nathan Williams, Richard Winn, Joseph Winston, and Thomas Wynns.

Ordered, That Mr. J. Randolph and Mr. Lloyd be appointed a committee to present the foregoing resolution, as agreed to, to the President of the United States.

Monday, January 19.

Mr. Cutts presented to the House a petition of sundry merchants of Kennebunk and Wells, in the District of Maine, which was received and read, praying that the term of credit for the payment of duties on goods imported into the United States from the West Indies, may be extended to the same term with the duties payable on goods imported from Europe.—Referred to the Committee of Commerce and Manufactures.

Mr. Alexander, from the committee appointed on the second instant, presented a bill prescribing the effect of records of judgments and decrees of courts of one State in another State; which was read twice and committed to a Committee of the Whole on Thursday next.

GEORGIA LAND CLAIMS.

Mr. Quincy presented the petition of James Sullivan and others, claimants of certain lands ceded to the United States by Georgia, requesting that the tribunals of the United States may be authorized to try the question of right to those lands.

Mr. Quincy moved a reference of this petition to a Committee of the whole House.

Mr. Eppes spoke against the refercnce.

Mr. Quincy replied.

The question was taken, on referring the petition to a Committee of the Whole, which was disagreed to—ayes 41, noes 54.

Mr. Quincy then moved its reference to a select committee.

Mr. D. R. Williams hoped this motion would not prevail, and that, if it did not, that the petition would be rejected.

Mr. Quincy withdrew his motion, that the question might be taken on the proposition, which Mr. D. R. Williams then offered.

Mr. Quincy called for the yeas and nays on this motion.

Messrs. D. R. Williams, Eppes, and J. Clay, supported; and Messrs. Conrad, Cook, Alexander, Sloan, Smilie, and Quincy, opposed the motion, which was disagreed to—yeas 53, nays 56, as follows:

Yeas—Isaac Anderson, David Bard, Burwell Bassett, George M. Bedinger, John Blake, jun., Thomas Blount, Robert Brown, William Butler, Joseph Clay, Matthew Clay, William Dickson, Elias Earle, John W. Eppes, James M. Garnett, Peterson Goodwyn, Edwin Gray, Andrew Gregg, Silas Halsey, John Hamilton, David Holmes, Walter Jones, Edward Lloyd, Patrick Magruder, Robert Marion, Josiah Masters, William McCreery, David Meriwether, Nicholas R. Moore, Thomas Moore, John Morrow, Roger Nelson, Thomas Newton, jun., Gideon Olin, John Porter, John Pugh, John Randolph, John Rea of Pennsylvania, Jacob Richards, Thomas Sammons, Thomas Sandford, Dennis Smelt, John Smith, Samuel Smith, Richard Stanford, Philip R. Thompson, Abram Trigg, John Whitehill, Robert Whitehill, David R. Williams, Alexander Wilson, Richard Winn, Joseph Winston, and Thomas Wynns.

Nays—Evan Alexander, Joseph Barker, Barnabas Bidwell, Phanuel Bishop, James M. Broom, John Campbell, John Chandler, Martin Chittenden, Frederick Conrad, Orchard Cook, Richard Cutts, Samuel W. Dana, Ezra Darby, John Davenport, jun., Theodore Dwight, James Elliot, Caleb Ellis, Ebenezer Elmer, William Ely, William Findley, John Fowler, Charles Goldsborough, Isaiah L. Green, Seth Hastings, William Helms, James Holland, David Hough, Nehemiah Knight, John Lambert, Matthew Lyon, Duncan McFarland, Jeremiah Morrow, Jonathan O. Mosely, Jeremiah Nelson, Timothy Pitkin, jun., Josiah Quincy, John Russell, Peter Sailly, Martin G. Schuneman, James Sloan, John Smilie, Joseph Stanton, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, David Thomas, Thomas W. Thompson, Uri Tracy, Killian K. Van Rensselaer, Joseph B. Varnum, Peleg Wadsworth, Matthew Walton, Eliphalet Wickes, and Nathan Williams.

Mr. Quincy then moved a reference of the petition to a select committee.

Mr. Quincy advocated; and Messrs. J. Clay, Smilie, R. Nelson, and Eppes, opposed this motion, which was likewise disagreed to—yeas 45, nays 65, as follows:

Yeas—Evan Alexander, Joseph Barker, Silas Betton, Barnabas Bidwell, James M. Broom, John Campbell, John Chandler, Orchard Cook, Richard Cutts, Samuel W. Dana, John Davenport, junior, Theodore Dwight, James Elliot, Caleb Ellis, Ebenezer Elmer, William Ely, William Findley, John Fowler, Charles Goldsborough, Isaiah L. Green, Seth Hastings, William Helms, James Holland, David Hough, Nehemiah Knight, John Lambert, Matthew Lyon, Duncan McFarland, Jonathan O. Mosely, Jeremiah Nelson, Timothy Pitkin, jr., Josiah Quincy, Martin G. Schuneman, Joseph Stanton, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, David Thomas, Thomas W. Thompson, Uri Tracy, Joseph B. Varnum, Peleg Wadsworth, Matthew Walton, and Nathan Williams.

Nays—Isaac Anderson, John Archer, David Bard, Burwell Bassett, George M. Bedinger, John Blake, jr., Thomas Blount, Robert Brown, William A. Burwell, William Butler, John Claiborne, Joseph Clay, Matthew Clay, Frederick Conrad, Ezra Darby, John Dawson, William Dickson, Elias Earle, John W. Eppes, James Fisk, James M. Garnett, Peterson Goodwyn, Edwin Gray, Andrew Gregg, Silas Halsey, John Hamilton, David Holmes, Walter Jones, Thomas Kenan, Edward Lloyd, Robert Marion, Josiah Masters, William McCreery, David Meriwether, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Roger Nelson, Thomas Newton, jr., Gideon Olin, John Porter, John Pugh, John Randolph, John Rhea of Tennessee, Jacob Richards, Peter Sailly, Thomas Sammons, Thomas Sandford, Dennis Smelt, John Smilie, John

Smith, Samuel Smith, Henry Southard, Richard Stanford, Philip R. Thompson, Abram Trigg, John Whitehill, Robert Whitehill, David R. Williams, Marmaduke Williams, Alexander Wilson, Richard Winn, Joseph Winston, and Thomas Wynns.

Ordered, That the said petition do lie on the table.

LANDS IN LOUISIANA.

Mr. RHEA, of Tennessee, offered the following resolution:

Resolved, That a committee be appointed to inquire into the expediency of laying off and describing, by certain metes and boundaries, a tract of country, to which the Indian title hath been extinguished, within the limits of the Territory of Louisiana, and to include all the settlements within the said Territory, and for having the said tracts of country laid off into townships and sections, half and quarter sections, agreeably to the several laws heretofore made for surveying the public lands of the United States; and also to inquire into the expediency of granting one quarter section to every free white male, who now resides thereon, or who within —— years shall actually improve and reside thereon.

Mr. CONRAD said, before he agreed to the resolution, he should be glad to hear the reasons for this new mode of disposing of the public lands.

Mr. RHEA said he did not suppose that on referring this subject, it would have been necessary to assign the reasons for the measure. But as they had been called for, he would state some of them. It was well known that the settlements in the Territory of Louisiana were scattered, that they were two or three hundred miles apart. If the Indians should become hostile in that quarter it would probably cost the United States more to protect those settlements, than the value of the land it was proposed by the resolution to allow to settlers. The object was to effect a settlement that would prove a strong barrier, and avert the necessity of maintaining a standing army. The lands on this side of the Mississippi, it was well known, from their subjection to Indian claims, would not probably be settled until a distant day; and this produced a necessity for forming settlements on the western side of that river.

Mr. SMILIE believed this was a measure that would be attended with great benefits to the United States. As the motion was merely to refer for the purpose of inquiry, he hoped it would not be opposed.

Mr. VARNUM was of the opinion that, even if this measure should be ultimately considered advisable, this was a very unseasonable time for its adoption. He was not of opinion that any considerable force could be brought to bear on the frontier thus proposed to be guarded. It would be remarked that it was not contemplated for the defence of the Orleans, but the Louisiana Territory. And he asked whether it would be proper to adopt it while such various reports prevailed of the existence of conspiracies against the United States in the Western country. Might not the individuals, engaged in these combinations, on their discomfiture and return into the United States, under this measure, occupy the lands thus proposed to be surveyed?

Mr. RHEA declared himself greatly surprised at the suggestion of the gentleman from Massachusetts. As to the suspicions afloat, he hoped they would have no influence on the adoption of this measure.

Mr. GREGG hoped, as the resolution contemplated an almost radical change of the land system, it would be suffered to lie for consideration.

Mr. RHEA acquiesced in this course.

MILITARY PEACE ESTABLISHMENT.

The bill from the Senate supplementary to the act fixing the Military Peace Establishment of the United States, was read the first time.

Mr. EPPES said, that on ordinary occasions, he had no objection to bills which made their appearance in that House passing through the ordinary forms; but it appeared to him that there were some occasions, which not only justified, but required an extraordinary course of procedure. Of these latter occasions, he knew of none that more imperiously required extraordinary treatment than the bill which had been just read. What was its object? Not to provide for an extraordinary emergency, but to make a great addition to the permanent Military Establishment of the United States; almost to double the existing military force. Where was the evidence of its necessity? The bill appeared in a naked form, unsupported by any documents whatever. He believed it objectionable in its principle, in its details, and in its origin. In the second section, a discretion was given to the Executive to increase each company from its existing complement to one hundred men. It consequently gave the Executive the dangerous discretionary power of increasing, whenever he shall think it necessary, the permanent establishment nearly double its present amount. He had also an objection to the origination of this bill. The Constitution expressly provided that every revenue bill should originate in the House of Representatives, and though he would not undertake to say that this bill violated the words, yet it certainly was repugnant to the spirit of the Constitution. What did it propose? To lay a burden of the most oppressive kind on the people, in a time of peace. Believing that the bill originated in mere rumor and report; that it was not founded on any official information; and that it was altogether unnecessary in the present state of affairs, he moved that it be rejected.

Mr. THOMAS called for the yeas and nays.

Mr. LYON asked whether the gentleman could safely say that the country was in a state of peace. What was to keep the American and Spanish armies apart? Were they not ready to shed each other's blood? Could it be said that this state of things was safe, when we had not a sufficient force on the frontier to prevent the invasion of our country? Did we not hear that the Spanish forces were twice, four times, ten times, greater than ours? Further, he heard of no information from Europe of a settlement of differences in that quarter. All that we did hear was, that the Spanish General on the frontier declared that he would wait until he heard from Europe. And yet we are told it is unnecessary to raise additional troops.

Mr. L. said, from the time we had acquired our new territory, he had uniformly thought it proper to raise three or four additional regiments. He should not therefore vote for rejecting the bill. His wish was to see the country in a better state of defence in every quarter; and as the militia of that part of the Union which he represented were likely to be almost the first that, in case of an invasion, would be called out, and as many of them would have a thousand miles to march before they reached the frontier, he was peculiarly solicitous to have a standing force competent to the defence of the country, except on the most pressing emergencies. Are we not also told that an attack is contemplated on New Orleans; that a new Empire is about to be established in the West? Will it then be said that we do not want additional troops? Are we sure of it? Mr. L. said he did not understand how gentlemen could be much alarmed, and yet say that they wanted no additional troops.

Mr. **Tallmadge** said that he took the ordinary course on such occasions to be, to discuss at its second reading the merits of the bill. This treatment of the other branch of the Legislature was no more than decent and respectful. Unless there was some substantial reason, they ought not to deviate in this instance from the course which was ordinarily pursued. He did not see any substantial reasons why this bill should be rejected. In the outset of the remarks made by the gentleman from Virginia, he observed that they were about, at one stroke, to double the Military Establishment of the United States. The present establishment of the United States consisted of two regiments of infantry and one regiment of artillery, together with a corps of engineers. When the proposed addition shall be made, the Army will consist of 5,400 men. This certainly will not be more than an increase of one-half of the present Peace Establishment. What are the objects and peculiar grounds for increasing the present Military Establishment, was worthy of inquiry. Can we say there is no necessity for such an increase? Are we justified by any information we possess in saying that the Senate had no sufficient cause for this measure? Do gentlemen mean to say, that, by passing the bill for raising volunteers, they have provided a sufficient force to defend the country? Mr. T. said he was apprehensive, when that bill was under consideration, that in case it should be passed, this argument would be made use of to satisfy the people that the country was adequately defended; and he was therefore opposed to the bill. He did not believe that that provision was sufficient for the defence of the country; and he did think, in the present state of affairs, there was a loud call on the Legislature to make some addition to the present Military Establishment, competent to repel foreign aggression, and which might enable the President to put down promptly and effectually any lawless attempt which might be made to disturb the peace of the Union. Mr. T. said he felt reluctant to place the whole reliance on the yeomanry of the country. He feared, if this should be the case, that they would prove to be a broken reed, which could not be depended upon. He was, therefore, for making a considerable addition to the Military Establishment of the United States. Rather than not have a force which would enable the President to chastise the enemy on our frontier, and to crush any persons who might attempt to disturb the peace of the Union; rather than not do this, Mr. T. said he would cheerfully agree to double the present forces of the United States. He believed, if they relied on the militia exclusively, they would oppress the yeomanry of the country, and spend more money to but little effect than if a stable force were provided. As far as his opinion went, some modification of the bill appeared to him necessary; but as this was only a question on rejecting the bill, it was unseasonable to say anything at present on its details. For the reasons he had stated, he hoped that the gentleman would either withdraw his motion, or that the House would give it a decided negative.

Mr. **Eppes** said, he thought when he was before up, that he had drawn a decided line of distinction between the measures of preparation that were necessary against the Spaniards and the provisions of the bill under consideration. The two propositions were totally distinct. If gentlemen thought it necessary to raise troops to chastise the Spaniards, let them bring forward a proposition to that effect. But let us not in this way be surprised into a measure for almost doubling the present Military Establishment, which, although passed within one hundred and twenty feet of this House, very few gentlemen knew any thing of, until it was brought to us from the Senate. Mr. E. said the great objection which he had to the bill was, that he considered it as an usurpation of the Senate. It appeared to him that the Constitution made the House of Representatives the exclusive organ of imposing burdens on the people. How was this burden to operate? Not on the States, as independent sovereignties, but on the great body of the people. It ought therefore to originate with that House as their immediate Representatives.

Mr. E. said he believed that, in no case, had such a measure originated in the other branch of the Legislature, except in the famous case of the motion of Ross, which terminated in calling out the militia. Gentlemen had pronounced this an indecorous treatment of the Senate. How indecorous? Mr. E. said he had observed, when he made the motion, that in ordinary cases he had no objection to the usual forms of the House; but that he considered extraordinary cases as calling for extraordinary treatment. Had not the House, by their proceeding, justified the remark? Did they not recollect the memorable case of the last session, when a measure which originated in the other branch, odious to the House and to the country, had been promptly and decidedly rejected? This then was a precedent, which, in his opinion, applied with equal force to the present case. The bill contained a principle obnoxious to the House, obnoxious to the nation, for nearly doubling the standing force in a time of peace, and for imposing, without necessity, a great burden on the people. He trusted, therefore, that the same course would be pursued in this instance which had been adopted in the other.

Mr. Early said it appeared to him, that the reasons assigned by the gentleman from Virginia would operate with equal strength for pursuing the same course as to any bill which might be received from the other branch of the Legislature, on which there should be a difference of opinion between the two Houses. Without going into an examination of the merits of the bill on the table, he was free to declare his decided hostility to the course urged by the gentleman from Virginia. What was likely to be the consequence of a treatment so disrespectful to the other branch of the Legislature? If they possessed the ordinary feelings of men, it could not be expected but that they would retaliate, and thus put an end to the business of the nation. Mr. E. said, he thought one or two of the observations of the gentleman merited some notice. He had remarked that the origination of this bill was a violation of the spirit, if not the letter, of the Constitution. Mr. E. said, he had supposed that all doctrines about the spirit of the Constitution were unfashionable at this day, and that the fashionable doctrine now was, to take that instrument as it stood, and construe it as it read. But he would examine the question. The Constitution had provided that all bills for raising revenue should originate in this branch of the Legislature. But was there not a substantial difference between the business of raising and that of spending money? And did it follow, that because the Constitution exclusively vested the right of originating bills for raising revenue in this House, it therefore confined the origination of bills for spending it to them likewise? Did not the other branch of the Legislature every day exercise the same power which had been used in this bill? What would follow from a contrary doctrine? That the other branch could not even originate a bill for erecting a light-house, or for fortifying our ports and harbors, or indeed any bill that required money to carry it into execution. And was it not a fact that four-fifths of our laws demanded the expenditure of money to carry them into effect? Another objection to the bill was, that it was brought before us without documents or information to show its necessity. And was that a reason for the course suggested by the gentleman from Virginia? Was it not, on the contrary, the best reason for waiting until they got information? Mr. E. said he thought it was the best possible reason for referring the bill to a select committee; and he trusted that this was the course the bill would be suffered to take.

Mr. Varnum said he certainly should not vote for the rejection of the bill on the grounds assigned by the gentleman from Virginia. He knew of no bills, except those for the raising of revenue, whose origination was exclusively confined to this House. He presumed, however, that the question would turn on another principle—whether it was proper to augment the peace establishment of the United States. At present we have 3,200 men, besides the corps of engineers, and this bill proposes to add to the present establishment 2,200, making in the whole 5,400. The question then, which presented itself, was, whether it was necessary to have this number of troops to garrison our several posts in a time of profound peace? For, he had no idea, that on every spur of the occasion, on every appearance of war, however remote, those who were attached to standing armies should crowd into the peace establishment an additional force, only necessary in case of an emergency. Even if there was a prospect of war with Spain, that would not furnish a sufficient motive for increasing our peace establishment. He trusted, however, that that event would not take place. He did not know any grounds for expecting it. It was true, the Spanish army had marched into the country we claim, and our troops had marched into the country they claim. The question in dispute was, the demarcation line between the two countries. If this should be settled by the two Governments he did not know of any cause of war between them. If it were not settled, he would ask gentlemen whether they were sure that the claim of the United States was so well founded as to justify the going to war? It might be the voice of the country to do so; and if so, Mr. V. said he would go with them in raising a sufficient force; but until this were decided, he believed it unnecessary to add to the standing force. He was the more inclined to be of this opinion, as he heard of no complaint, by the Executive Government; and as everything required by them of the legislative body had been done. It has been said that it is inexpedient on such occasions as had recently occurred, and on those which are likely to occur, to call out the militia. Mr. V. said he entertained a different opinion on this subject; and said that he believed it important that they should be called out, whenever there were any serious differences on our frontier. Such requisitions had a tendency to train them and to make them acquainted with service and subordination. He believed it had been useful to call them out the last year as well as this.

Mr. V. repeated that, until they determined on war, it was inexpedient farther to add to the standing force than might be necessary for garrisoning our posts. Whether the proposed mode was the best to decide on the merits of the bill, he did not know. But, if the minds of gentlemen were made up on the subject, it might be most eligible to express them promptly and decidedly. If, therefore, he voted for rejecting the bill, it would not be out of disrespect to the Senate, or from any doubt of their power to originate it, but on the ground that the measure was unnecessary.

Mr. Findley said he was not prepared at present with certainty to say that he should vote for the bill, with any modification that might be made to it. But he did not know that he had ever voted on a bill without its previously going through a

Committee of the Whole. And as in this case, one of the reasons assigned for rejecting it was a doubt of the power of the Senate, he could not agree to the motion. He recollected to have heard the following reasons assigned for the rejection of a bill in one branch of the Legislature, by a member who had been called upon to assign them: "You voted against our bill, I therefore voted against yours." Mr. F. said, although he might ultimately vote against the bill, he should be opposed to its rejection in this stage of it.

Mr. Lyon said he was not so alarmed at the idea of a standing army, as some gentlemen declared themselves to be. He doubted whether the United States would for a long time have an army so large as to be a fit object of fear. He said he believed it was owing to the prudence of General Wilkinson that we were not at war with Spain at this time. He firmly believed this would have been the case, but for his arrival on the frontier. He wished to know what hopes there were of being on good terms with Spain? He was not willing to sit down and say all was safe, when it was not safe—not that he dreaded anything from the insurrection that was so much talked of. He should vote for defensive measures in every form in which the subject was presented. Let those in power save the country, let them save its honor as well as its territory.

Mr. Smilie said he was so hostile to this bill, that he should vote against it in every shape, and at every stage in which it should be presented. He should, therefore, vote for its rejection on this occasion. He was not anxious as to the stage in which it should be rejected, provided it were ultimately rejected; nor was he prepared to say this was the best way of rejecting it. But as they must come to the question at last, and as he was decidedly of opinion there were no circumstances between the United States and any foreign nation, or any questions of an internal nature which required this step to be taken, he should certainly give it his negative. If he could think with the gentleman from Kentucky, that there was no danger to be apprehended from a standing army, even though it amounted to 40,000 men, he might feel easier on this subject. But he entertained a far different opinion. It was a singular circumstance, and Mr. S. said he believed it peculiar to this country, that a disposition on this subject existed in some gentlemen to outrun the Executive. Far different was the sentiment which prevailed in other countries. In England, for instance, the constant object of the Executive had been to get a standing force; but while the Parliament was independent, an uninterrupted struggle was kept up on this point with the regal power. Since, however, the Parliament became dependent on the royal favor, the Executive had only to ask, to get what forces he wanted. It was certainly a singular spectacle to see gentlemen in this country endeavoring to outrun the Executive in accumulating a military force. What is our situation? Are we at peace or in war? We are certainly at peace. It was true, there existed some uneasiness between our Government and that of Spain as to boundaries. Their troops had marched to maintain what they considered their boundary, and ours to maintain what we considered ours. Mr. S. said no information had come within his knowledge that justified the opinion, that the Spanish officer ever had orders for the march which he had made. But, be that as it might, the matter was accommodated by an agreement that things should remain in the state they were. What was our situation with the Spanish Government? There was a negotiation depending. Under these circumstances, are we, said Mr. S., called upon to raise an army? Is there any change of situation to justify it? Can there be any reason for such a measure, unless we mean to grant an army to provoke that nation to a rupture? For my part I do not know whether we are not indebted to the smallness of our forces for the conciliatory disposition which has prevailed. It is far from improbable that a mutual distrust of their strength produced an accommodation between both sides. But are we now disputing as to the extent of force which is necessary? No; the difference is as to its quality. We say that volunteers are sufficient. It is true, the gentleman from Connecticut tells us, that militia and volunteers are a broken reed, and that we shall be disappointed if we depend upon them. I know such ideas are very consentaneous with the ideas of some gentlemen. I, however, have no doubt that volunteers can be procured, and that they, in connexion with the militia, will be competent to every exigency of affairs. The same gentleman says, an additional standing force may be necessary to suppress insurrections. But if we have got to this situation, we may bid adieu to our liberties; we may abandon them, and submit to the humiliation of maintaining a constant standing force. But I trust in God, so long as our people are conscious of the happiness they enjoy, they will never be reluctant to lend their aid in support of the Government of their choice. I have no doubt that this will long continue to be the case. If, however, on the contrary, the ideas of gentlemen be correct, we must keep a standing force everlastingly, lest an insurrection should occur. Will gentlemen be good enough to recollect the means used in other countries to raise standing armies, and to keep them when raised? I have no fear of the existing standing force. I know it cannot endanger the liberties of this nation. But it is the principle of the bill to which I object. If in time of peace we resort to such a measure, are we not pursuing the same course that has been so wofully adopted by other nations? Look at the British Government. After the Revolution was at an end, the reduction of the army was proposed; the King opposed it; but there was interest enough to effect it. When Governments want a standing army, the universal cry is, that there is danger from this or that quarter. In 1715 the rebellion took place in Scotland, and the Parliament granted the King 4,000 men. When this rebellion was quelled, the Parliament thought it unnecessary to keep up this army. But the King said no; we have bad men among us that require to be kept in check, and the army was not dismissed. Trace the whole history of this nation, from its beginning to the present day, and you will find the Government, on the pretext that is now urged, gradually increasing the standing army from 1,000 to 100,000 men. The same measure is now proposed, and, depend on it, if it is now adopted, it will form a dangerous precedent in future times, of which the friends of a standing army will not fail to avail themselves.

Mr. GREGG.—On this occasion I shall vote directly contrary to my colleague, though I shall not consider myself as pledged by that course ultimately to vote for the bill. I feel myself at a loss for information. The bill does not come accompanied by any documents whatever. The proper course, I think, will be to refer this bill to a select committee, to inquire whether there are any grounds for it, and to consult the head of the War Department, whether an increase of our present establishment is necessary. We have been frequently told on this floor that there is danger in the Western country; that the force stationed there is not competent to its defence. If this shall be found on examination to be really the case, I presume there will be no objection to raising the force which shall be judged sufficient. The Administration, finding it necessary to collect all the troops at one point, may render it expedient to raise a small body of troops in the meantime to do garrison duty, to supply the places of those despatched to the westward. I believe a committee was appointed on defending the Mississippi. If that committee has not reported in full, it may be the most proper one to refer this subject to. They may report a statement of facts which will throw light on the subject. But rejecting the bill in this stage without data, will be unprecedented in the House. For my part, I have never witnessed anything like it. I hope, therefore, the bill will either be referred to a Committee of the Whole, or to a select committee.

Mr. COOK.—I am opposed to the rejection of this bill for several reasons. I believe the doctrine of the gentleman from Virginia, that the Senate has not the power to originate such a bill, unsound; inasmuch as I believe they have a concurrent power with this House to originate all bills except for the raising of revenue. I also consider such a course as highly indecorous. I likewise consider the existing state of things as requiring some augmentation of the existing standing forces. If the present standing army was sufficient when it was created, I am of opinion that it is necessary at this time to increase it. On this question, therefore, I will give my vote, on the same principles as I would have done on the establishment of the present force, under the impression that our Military Establishment ought to increase with the increase of our territory. Indeed, I believe if we reflect that, in consequence of our new acquisitions, we have an increased number of vulnerable points, it would constitute an argument for augmenting the Army even beyond the increase of our territory. I do not, therefore, consider myself as being in favor of a relative increase of the Army, but as being only in favor of apportioning it according to the principle we have already established.

Mr. G. W. CAMPBELL.—I will submit a very few remarks to the consideration of the House. I should have preferred that this subject had been permitted to have taken its ordinary course; but as a motion has been made to reject the bill, and it is necessary to give a vote upon it, I shall give that vote which I should have given, had the bill taken its ordinary course, and I shall consequently vote for its rejection. I shall do this under the impression that we have no evidence before us that shows the necessity of increasing at this time the existing Military Peace Establishment more than we had at the last session, when the opinion of the House was decidedly given against a similar measure. I wish to be understood as drawing a material distinction between an increase of the Military Peace Establishment, and the raising a force for any pressing exigency. If it shall appear that the country is in danger of an attack from a foreign Power, I am among those who will be in favor of raising a sufficient force to repel such an attack, and to maintain the dignity of the United States. But until danger arrives, or there shall be a declaration of war, I shall never be for increasing the Military Establishment. In the Message of the President we are told, "The result of our negotiations, or such 'incidents in their course as may enable us to 'infer their probable issue; such further move'ments, also, on our Western frontier as may 'show whether war is to be pressed there, while 'negotiation is protracted elsewhere, shall be 'communicated to you from time to time, as 'they become known to me."

So far then as we may depend on information from the proper department, there is no foundation whatever, for increasing the Military Peace Establishment, or for raising any additional regular force. Since the receipt of the Message, has any information been received that the result of our negotiation with Spain is known? If gentlemen possess any such information, why do they not give it to us? But we are told of the rumors of war on the frontier. But I cannot think that gentlemen attend dispassionately to the existing state of things when they make this representation. The forces of Spain, we are told, are not authorized to infringe the rights of the people of the United States, or in any degree to act offensively. They have laid claim to a small tract of country, which the United States have taken possession of, and to assert this claim they have passed, what we call the boundary. But when they came to this boundary line, about thirty miles on the side of the temporary line fixed by our Government, (the interval between which lines is uninhabited,) they expressly declared they were not authorized to go further, or disturb the United States. And when mutual arrangements are made, in a spirit of forbearance and accommodation, between the commanders of the two armies, where can the danger be of war? From her own declarations, Spain has no more right to attack our frontiers with her armies than she has to attack New York or Baltimore with her naval forces. And consequently, if it be necessary to raise a force to protect the frontier against the invasion of her army, it is equally so to defend the citizens of the Atlantic board against her navy. If you can put no faith in what she says, declare war; but until you do this, treat her as you would do other nations, and consider yourselves in a state of peace until you are actually engaged in war.

It has, indeed, been said, that the conspiracy which has occasioned so much conversation may be dangerous, and that we ought to have a military force to crush it. I did not, however, believe, that any man, who is the professed friend of a Republican Government, would vote for a standing army to put down conspiracies or combinations, and so awe the people into submission; such a force as shall intimidate our citizens from combining together, through fear, not of the civil authority, or the nation, but of the army. This I consider as infringing one of the most sacred principles of the Constitution, to wit, that the militia is to be relied on in all such cases. I cannot, therefore, believe that the House will countenance such an idea, as that a standing army shall be raised to overawe the people of the United States. I believe we may safely rely on the militia to suppress all combinations of this kind.

Mr. Elmer said he was opposed to the bill, and should finally vote against it. He did not believe that an augmentation of the army was necessary either to repel invasion or to suppress insurrection. But inasmuch as the bill under consideration came from the Senate, and it was decorous and proper to consider the subject, he was not disposed to a rejection of the bill. He thought it proper to inquire whether some increase of the existing Military Establishment was not necessary for garrison duty.

Mr. Lyon said, if he understood the gentleman from Tennessee, he had insinuated that he wished to raise an army to overawe the people. He had said nothing like it. He said he had no apprehension from the rumors to the westward.

Mr. G. W. Campbell replied, that in the remarks he had made, he had no reference whatever to the gentleman from Kentucky.

Mr. Lyon said he was in favor of an augmentation of the Army, in consequence of the extension of our territory, which presented a frontier of more than a thousand miles. He thought as highly of the militia as any man, but could they expect the militia of Massachusetts to march for the defence of Orleans? Let us, said Mr. L., talk rationally and act rationally.

Mr. Alexander.—After the time so unnecessarily taken up, as I think, in this discussion, and after the reiterated calls for the question, I shall make but a few observations. I shall give my vote in the negative on this ground. I do hold it proper that all the bills received from the other House should take their proper course; nor am I prepared at once to say, that some augmentation of the peace establishment may not be necessary. If on examination it appears to be necessary, I shall vote cheerfully for it. I apprehend that the country is not in a state of perfect tranquillity, though it is not in a state of war. But I shall at present forbear from entering into any of these considerations, satisfying myself with saying that I am in favor of treating the bill with respect.

Mr. T. Moore.—It is with reluctance that, at this late hour, I rise to offer my ideas on the subject. I shall confine myself merely to observing that I am opposed to the bill; but, from that respect with which I think the proceedings of the other branch ought to be treated, I am for suffering it to take the common course of bills in this House. I shall therefore vote against its rejection at present, but shall eventually vote against increasing the army, unless there shall appear to be an absolute necessity for it.

Mr. Bedinger.—I should not trouble the House, but for the observations of gentlemen that we ought to act in this case decently. In my opinion, we have spent the day decently. A petition was first presented to us, which we were told it was not decent to reject. It was determined not to reject it; it was read; and the gentlemen said it ought not to be referred, and the House determined not to refer it. Did not this amount at last to the same thing? And what is the language we now hear? Gentlemen come forward and tell us they are well aware of the dangers of a standing army, and they are against rejecting this bill which goes to create one. Let me tell them, that if they once get a corps of officers, it will not be so easy to get rid of them decently.

The yeas and nays were taken on the question "Shall the bill be rejected?" and stood, yeas 26, nays 95, as follows:

Yeas—Willis Alston, junior, David Bard, Joseph Barker, Burwell Bassett, George M. Bedinger, Barnabas Bidwell, William A. Burwell, William Butler, George W. Campbell, Elias Earle, John W. Eppes, James Fisk, Peterson Goodwyn, James Holland, David Holmes, David Meriwether, Gideon Olin, John Rhea of Tennessee, Jacob Richards, Thomas Sandford, Ebenezer Seaver, John Smilie, John Smith, Richard Stanford, Joseph B. Varnum, and David R. Williams.

Nays—Evan Alexander, Isaac Anderson, John Archer, Silas Betton, John Blake, junior, Thomas Blount, James M. Broom, Robert Brown, John Boyle, John Campbell, John Chandler, Martin Chittenden, John Claiborne, Joseph Clay, Matthew Clay, Frederick Conrad, Orchard Cook, Leonard Covington, Richard Cutts, Samuel W. Dana, Ezra Darby, John Davenport, junior, John Dawson, William Dickson, Theodore Dwight, Peter Early, James Elliot, Caleb Ellis, Ebenezer Elmer, William Ely, William Findley, John Fowler, James M. Garnett, Charles Goldsborough, Edwin Gray, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, Seth Hastings, William Helms, James Kelly, Thomas Kenan, John Lambert, Henry W. Livingston, Edward Lloyd, Matthew Lyon, Duncan MacFarland, Robert Marion, Josiah Masters, William McCreery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Jonathan O. Mosely, Gurdon S. Mumford, Jeremiah Nelson, Roger Nelson, Thomas Newton., jun, Timothy Pitkin, junior, John Porter, John Pugh, Josiah Quincy John Randolph, Thomas M. Randolph, John Rea of Pennsylvania, John Russell, Peter Sailly, Thomas Sammons, Martin G. Schuneman, James Sloan, Samuel Smith, Henry Southard, Joseph Stanton, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, David Thomas, Philip R. Thompson, Thomas W. Thompson, Uri Tracy, Abram Trigg, Philip Van Cortlandt, Killian K. Van Rensselaer, Daniel C. Verplanck, Peleg Wadsworth, John Whitehill, Robert Whitehill, Eliphalet Wickes, Marmaduke Williams, Nathan Williams, Alexander Wilson, Richard Winn, and Joseph Winston.

Ordered, That the said bill be referred to Mr. J. RANDOLPH, Mr. CHANDLER, Mr. DICKSON, Mr. GREGG, and Mr. VAN CORTLANDT.

TUESDAY, January 20.

Mr. BEDINGER, from the committee to whom was recommitted, on the eighth instant, the engrossed bill to prohibit the importation or bringing of slaves into the United States, or the Territories thereof, after the thirty-first day of December, one thousand eight hundred and seven, reported an amendatory bill to prohibit the importation or bringing of slaves into the United States, or the territories thereof, after the thirty-first day of December next; which was read twice and committed to a Committee of the Whole on Friday next.

An engrossed bill to continue in force for a further time an act, entitled "An act to suspend the commercial intercourse between the United States and certain parts of the island of Saint Domingo," was read the third time and passed.

An engrossed bill to provide for surveying the coasts of the United States, was read the third time and passed.

The House resolved itself into a Committee of the Whole on the bill authorizing the erection of certain light-houses, and the fixing of stakes, buoys, and beacons, at certain places therein named. The bill was reported with amendments thereto; which were severally twice read, and agreed to to by the House.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time tomorrow.

The House resolved itself into a Committee of the Whole on the bill to annex certain shores and waters to the district of Mississippi; and, after some time spent therein, the bill was reported with an amendment thereto.

Ordered, That the said amendment, together with the bill, be recommitted to a Committee of the whole House to-morrow.

The House resolved itself into a Committee of the Whole on the report of the Committee on the Public Lands, made on the thirtieth ultimo, who were directed by a resolution of the House, of the eighteenth ultimo, "to inquire into the expediencey 'of repealing so much of the act of Congress, of 'the twenty-third of March, one thousand eight 'hundred and four, as limits the time in which 'locations of Virginia military warrants shall be 'made;" and, after some time spent therein, the Committee rose and reported a resolution thereupon; which was twice read, and agreed to by the House, as follows:

Resolved, That a further time of —— years, from the twenty-third of March next, be allowed for locating warrants granted by the State of Virginia to her officers and soldiers upon Continental establishment; and that a farther time of —— years, from the said twenty-third of March next, be allowed to return surveys on said locations.

Ordered, That a bill, or bills, be brought in, pursuant to the said resolution; and that the Committee on the Public Lands do prepare and bring in the same.

The House resolved itself into a Committee of the Whole on the bill supplementary to the act, entitled "An act regulating the grants of land appropriated for the refugees from the British Provinces of Canada and Nova Scotia; and, after some time spent therein, the Committee rose and had leave to sit again.

Mr. QUINCY observed that at common law the owners of vessels were responsible to any extent for the contracts of the masters, a principle which may in some cases be felt as a very serious evil. The English Parliament were so sensible of the evils of this principle, that in 1734, they restricted by statute the responsibility to the value of the ship and the freight; but that statute had not been understood to extend to this country. The principle of that statute is found in the laws of all the commercial nations in Europe. A suit has lately been instituted against a merchant of distinction to the amount of $25,000, for the conduct of a shipmaster in the East Indies; which suit has excited considerable alarm in Massachusetts. Mr. Q. proposed the following resolution:

Resolved, That the Committee of Commerce and Manufactures be directed to inquire into the expediency of providing by law how far the owners of ships shall be answerable for the acts of the masters and mariners.

The resolution was agreed to—yeas 63.

MISSISSIPPI TERRITORY.

The House again went into Committee of the Whole on the bill making a donation of land for building a hospital at Natchez, &c.

The section extending the right of suffrage to the citizens of the Territory, without the qualifications of a freehold, was again read.

Mr. BIDWELL advocated this section on the ground of expediency, and defended it against the charge of being repugnant to the compact between the United States and the State of Georgia. He maintained that the stipulations of the ordinance for the Northwestern Territory were of two kinds; some of which could only be altered by the consent of two parties, while the others were alterable by Congress alone. The parties, contemplated by the ordinance, were the United States and the people of the Mississippi Territory, and not the United States and the State of Georgia; that, however, the stipulation, which bore on this case, was one which was revocable by Congress alone.

Mr. EARLY contended, on the other hand, that the parties to the compact were the United States and the State of Georgia; and that its stipulations could not be altered without the consent of both. He said, he had no doubt, if application should be made to the State of Georgia, her consent would be cheerfully given to the modification proposed.

Mr. Lattimore maintained the same principle with Mr. Bidwell.

Only fifteen members rising in favor of striking out the section, the motion was lost.

Mr. Early moved to strike out the first section, which applies a tract of land towards the erection of a hospital at Natchez

Mr. Early observed that, agreeably to the articles of cession by Georgia to the United States, it was stipulated that $1,200,000 should be paid by the United States to the State of Georgia, out of the first proceeds of the ceded lands that should be sold.

Mr. Lattimore enforced the propriety of the grant for an institution loudly called for, not on local but general considerations, as the city of Natchez was known to be resorted to by more emigrants from all other parts of the United States than any other place of its size. He also remarked, to show that the objection of the gentleman from Georgia was invalid, that a grant of these lands had been already made for the endowment of a university.

Mr. Blount spoke in favor of the motion which was agreed to—ayes 43, noes 30.

The Committee then rose and reported the bill, which was ordered to a third reading to-morrow.

INDIANA TERRITORY.

The Speaker laid before the House a letter from William Henry Harrison, Governor of the Indiana Territory, enclosing certain resolutions passed by the Legislative Council and House of Representatives of the said Territory, relative to a suspension, for a certain period, of the sixth article of compact between the United States and the Territories and States northwest of the river Ohio, made on the thirteenth of July, one thousand seven hundred and eighty-seven; which were read, as follows:

Resolved, unanimously, by the Legislative Council and House of Representatatives of the Indiana Territory, That a suspension of the sixth article of compact between the United States and the Territories and States northwest of the river Ohio, passed the 13th day of July, 1787, for the term of ten years, would be highly advantageous to the said Territory, and meet the approbation of at least nine-tenths of the good citizens of the same.

Resolved, unanimously, That the abstract question of liberty and slavery is not considered as involved in a suspension of the said article, inasmuch as the number of slaves in the United States would not be augmented by the measure.

Resolved, unanimously, That the suspension of the said article would be equally advantageous to the Territory, to the States from whence the negroes would be brought, and to the negroes themselves.

To the Territory, because of its situation with regard to the other States; it must be settled by emigrants from those in which slavery is tolerated, or for many years remain in its present situation, its citizens deprived of the greater part of their political rights, and, indeed, of all those which distinguish the American from the citizens and subjects of other Governments.

The States which are overburdened with negroes would be benefitted by their citizens having an opportunity of disposing of the negroes which they cannot comfortably support, or of removing with them to a country abounding with all the necessaries of life; and the negro himself would exchange a scanty pittance of the coarsest food for a plentiful and nourishing diet, and a situation which admits not the most distant prospect of emancipation, for one which presents no considerable obstacle to his wishes.

Resolved, unanimously, That the citizens of this part of the former Northwestern Territory consider themselves as having claims upon the indulgence of Congress in regard to a suspension of the said article, because at the time of the adoption of the ordinance of 1787 slavery was tolerated, and slaves generally possessed by the citizens then inhabiting the country, amounting to at least one-half the present population of Indiana, and because the said ordinance was passed in Congress when the said citizens were not represented in that body, without their being consulted, and without their knowledge and approbation.

Resolved, unanimously, That, from the situation, soil, climate, and productions of the Territory, it is is not believed that the number of slaves would ever bear such proportion to the white population, as to endanger the internal peace and prosperity of the country.

Resolved, unanimously, That copies of these resolutions be delivered to the Governor of this Territory, to be by him forwarded to the President of the Senate and to the Speaker of the House of Representatives of the United States, with a request that they will lay the same before the Senate and House of Representatives, over which they respectively preside.

Resolved, unanimously, That a copy of these resolutions be delivered to the delegate to Congress from this Territory, and that he be, and he hereby is, instructed to use his best endeavors to obtain a suspension of the said article.

The resolutions were referred to Mr. Parke, Mr. Masters, Mr. Rhea of Tennessee, Mr. Sandford, Mr. Alston, Mr. Jeremiah Morrow, and Mr. Trigg, to examine and report their opinion thereupon to the House.

Wednesday, January 21.

An engrossed bill authorizing the erection of certain light-houses, and the fixing of stakes, buoys, and beacons, at certain places therein named, was read the third time and passed.

A bill *authorizing a grant of land for the use of a hospital at Natchez,* allowing additional compensation to the judges of the Mississippi Territory, and extending the right of suffrage therein, was read the third time and passed—ayes 54, noes 31; and the title amended by striking out the words in italics.

Mr. Tenney presented to the House a petition of sundry merchants and inhabitants of Portsmouth, in the State of New Hampshire, which was received, and read, praying that the duties due to the United States on certain goods, wares, and merchandise, consumed by fire in the said town of Portsmouth, on the 24th of December, 1806, may be remitted, and that the bonds given for securing the said duties may be cancelled; or such other relief afforded to them in the premises as to the wisdom of Congress shall seem reasonable and proper.—Referred to the Committee of Commerce and Manufactures.

On motion of Mr. J. RANDOLPH,

Ordered, That the Committee of Commerce and Manufactures, to whom was referred, this day, the petition of sundry merchants and inhabitants of Portsmouth, in the State of New Hampshire, be discharged from the consideration thereof; and, on motion of Mr. TENNEY, it was referred to the Committee of Ways and Means.

BENEFIT OF DRAWBACK.

Mr. EARLY from the Committee of Commerce and Manufactures, to whom was referred the petition of Gideon Lamson, made the following report:

The ship Doris, of which the petitioner was owner, received on board, at Philadelphia, in the month of June last, a quantity of sugar and coffee, intended to be shipped to Antwerp, for the benefit of drawback. Before the whole of the intended cargo had been put on board, it was discovered that the vessel had made considerable waste, and the sugar and coffee she had received were relanded. The sugar was damaged seventy-five per cent., and by the exporter was thrown upon the hands of the owner of the ship. It does not appear that the misfortune arose from any want of care or attention. On the contrary, the vessel had, immediately before she began to receive her load, been examined by a person of competent skill, and pronounced free from defect.

The memorialist prays, upon these facts, that the debenture on the sugar may be allowed him, or that such other relief may be afforded, as Congress may consider just and proper.

The committee know of no principle heretofore recognised by Congress, which would authorize a compliance with this application. To allow the debenture when the sugar has not been exported from the United States, would be, in the highest degree, preposterous. To afford relief, *in any way*, would be to make the Government of the United States insurers against individual losses. The committee, therefore, submit the following resolution:

Resolved, That the prayer of the petition of Gideon Lamson ought not to be granted.

The report was agreed to.

On motion of Mr. HOLMES,

Resolved. That the Committee of Claims be directed to inquire into the expediency of making compensation to the Governor, Judges, and Secretary, of the Indiana Territory, for extra services rendered by them in organizing the Government of Louisiana; and that they have leave to report by bill, or otherwise.

Mr. JOHN RANDOLPH, from the Committee of Ways and Means, presented a bill for the relief of Edward Weld and Samuel Beebee; which was read twice and committed to a Committee of the Whole to-morrow.

On motion of Mr. JEREMIAH MORROW,

Ordered, That the select committee to whom was referred, on the twelfth instant, a letter from Augustus B. Woodward, and others, appointed a committee by a convention of the inhabitants of the Territory of Michigan, held at Detroit, on the 26th day of November, transmitting an authenticated copy of the proceedings of the said convention, be discharged from the farther consideration thereof; and that the said letter and proceedings be referred to the Committee on the Public Lands.

The House resolved itself into a Committee of the Whole on the bill making a grant of land to certain refugees from the British Provinces of Canada and Nova Scotia.

After considerable debate, the Committee reported the bill, which was ordered to lie on the table.

THURSDAY, January 22.

Mr. JOHN RANDOLPH, from the Committee of Ways and Means, presented a bill for the relief of the sufferers by fire in the town of Portsmouth, New Hampshire, which was read twice, and committed to a Committee of the Whole to-morrow.

Mr. LEWIS presented to the House a petition of sundry inhabitants of the town of Alexandria, in the District of Columbia, which was received and read, praying that an act may be passed to incorporate a company for the purpose of making a turnpike road from Bridgepoint, on Alexander's Island, opposite Maryland Avenue, to the north-eastern corner of the alms-house lot, and from thence, by a straight line, to the intersection of Washington and Montgomery streets, in the town of Alexandria; and for erecting a bridge over Four Mile Creek, upon such terms and under such restrictions as may be just and reasonable.—Referred to Mr. LEWIS, Mr. NICHOLAS R. MOORE, Mr. PORTER, Mr. BUTLER, and Mr. VAN RENSSELAER, to examine and report the same, with their opinion thereupon to the House.

On motion of Mr. DANA,

Resolved, That the Secretary of the Treasury be directed to lay before this House copies of the accounts containing the respective charges which have been adjusted by the accounting officers of the Treasury, in cases of public prosecutions, before the Circuit Court of the United States, held in the district of Connecticut, in the months of April and September, in the year 1806.

Mr. VARNUM, from the committee appointed on the twelfth instant, presented a bill providing for the payment of the expense incurred by the military preparations for the defence of the Territory of Michigan against hostile Indians, in the year 1806, which was read twice, and committed to a Committee of the Whole to-morrow.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act to alter the time of holding the Circuit Court in the district of North Carolina," to which they desire the concurrence of this House.

The bill sent from the Senate, entitled "An act to alter the time of holding the Circuit Court in the district of North Carolina," was read twice and committed to a Committee of the Whole to-morrow.

The House resolved itself into a Committee of the Whole on the report of the committee appointed "to inquire whether any, and if any, what, description of claims against the United States are barred by the statute of limitation, which, in reason and justice, ought to be provided for by law," made on the sixth instant; and, after some time spent therein, the Committee rose, and had leave to sit again.

A Message was received from the President of the United States, communicating information touching an illegal combination of private individuals against the peace and safety of the Union, and a military expedition planned by them against the territories of a Power in amity with the United States, with the measures pursued for suppressing the same.

[For this Message, see Senate Debates of this date, *ante*, page 39.]

The Message was read, and, together with the documents transmitted therewith, referred to Mr. John Randolph, Mr. Boyle, Mr. Jeremiah Morrow, Mr. G. W. Campbell, Mr. Roger Nelson, Mr. Clinton, and Mr. Bidwell.

The House resolved itself into a Committee of the Whole on the bill for the relief of Edmund Briggs. The bill was reported without amendment, and ordered to be engrossed and read the third time to-morrow.

Mr. Claiborne presented to the House a petition of the President and Trustees of the Alexandria Academy, in the town of Alexandria, in the District of Columbia, which was received and read, praying that all escheats, arising within the jurisdiction of the court of the county of Alexandria, and all specific fines imposed by law, and not otherwise appropriated, arising within the same jurisdiction, may be applied in aid and support of the said academy.—Referred to Mr. Claiborne, Mr. Holland, Mr. Taggart, Mr. Covington, and Mr. Bard, to examine and report their opinion thereupon to the House.

The House resolved itself into a Committee of the Whole on the bill to extend the power of granting writs of injunctions to the Judges of the District Courts of the United States. The bill was reported with an amendment thereto, which was twice read, and agreed to by the House.

Ordered, That the said bill, with the amendment, be engrossed, and read the third time to-morrow.

The House resolved itself into a Committee of the Whole on the motion of the eighth instant, making provision for carrying into effect a treaty made between the United States and the Chickasaw tribe of Indians, on the third day of July, 1805.

Ordered, That a bill, or bills, be brought in pursuant to the said resolution, and that the Committee of Ways and Means be instructed to prepare and bring in the same.

REFINED SUGAR.

The House resolved itself into a Committee of the Whole on the report of the Committee of Commerce and Manufactures on the memorials of the sugar refiners. It was read, as follows:

The Committee of Commerce and Manufactures, to whom was referred the petitions of Edward Pennington and others, of Philadelphia, and Charles Garts and others, of Baltimore, sugar refiners, submit their report:

The petitioners are manufacturers of sugar in the United States, and request that the sugar refined by them shall be allowed a drawback on the exportation. The subject has been often before Congress, and a lengthy and detailed report was made by the Committee to the second session of the Eighth Congress, to which the Committee beg leave to refer, and request it may be considered as part of this report.

The opinion of the Committee is opposed to granting any additional allowance or advantages to the sugar refiners, for the reasons stated in their former report; and they respectfully offer the following resolution:

Resolved, That it is inexpedient to grant the prayer of the petitioners.

The reading of the former report was then called for, and the Clerk having read the same, Mr. McCreery spoke as follows:

Mr. Chairman—When the report which was last read was presented to the House, at a former session, it was referred to a Committee of the Whole, but, owing to a press of business, apparently of greater importance, it was not acted on. Notwithstanding that two lengthy reports have been made on this subject by the Committee of Commerce and Manufactures, and that I have generally stood alone in opposition to them, I must now presume to hope that a majority of this Committee, and among them the members of the Committee of Commerce and Manufactures, will ultimately agree to the desired modification of this branch of trade, when they come to understand the subject more perfectly, and shall be convinced that they have entirely mistaken the object of the petitioners. They neither ask nor desire any new duties or restrictions laid on the importation of refined sugars. They are willing, on the contrary, that the present duties on imported refined sugars, and on sugar candy, shall be made as low as Congress may deem necessary. All they ask is, that they may be allowed a reasonable drawback on the exportation of domestic refined sugar, made from foreign materials.

The objections urged in this report, are:

1st. That Louisiana sugar might be refined and exported.

2d. That imported sugar might be kept in store more than a year, and a drawback obtained afterwards.

3d. That the quantity of freight is diminished when the article is refined.

4th. That New England rum, cordage, canvass made into sails, and manufactured iron, are equally entitled to drawback, though not asked for.

As to the first and greatest objection, I answer that such an imposition is more easily guarded against than in any other species of goods, because we can have, besides the oath of the employer, that of the refiner also, and he is, in this, a disinterested person—but the quality of this sugar being much preferred for retail, renders this precaution less necessary—and besides these reasons, the public revenue can run no risk until a greater quantity of Louisiana sugar is furnished to us than is consumed in the United States. For example, suppose our home consumption amounts to fifty million pounds of sugar, which I believe it does, and the same quantity to be furnished us by Louisiana, which pays no duty; and suppose that an equal quantity of sugar of foreign growth be imported, and pays a duty of two and a half cents per lb., and that a drawback is allowed on exporting the same. This quantity of fifty millions will certainly be re-exported, because it cannot be consumed, and will obtain a drawback of the duties paid on entry—so that, in fact, the revenue gains nothing by the importation or exportation of this one hundred million of pounds, save three and a half per cent. on the debentures granted on the part exported. I would, therefore, ask what difference it can make to us which half is consumed, or which exported? Sir, it makes none, and I contend that the revenue can run no possible risk in this business until the quantity of sugar imported from Louisiana exceeds our whole consumption. At present, the quantity we receive from thence amounts to about four millions of pounds annually. When it shall exceed our consumption—an event which I shall be proud of—we shall have little difficulty in guarding against the imposition apprehended.

I have often seen, sir, that when subjects of this nature are discussed on this floor, the first question with many gentlemen is, how will this measure affect our revenue? I acknowledge that this consideration should never be lost sight of, but must at the same time avow that it has always been with me a secondary one. The first, in my estimation, is how will it affect the people? If the people shall gain ten times as much as the revenue loses by a measure, he must be a poor financier who cannot supply the loss in another shape. But, I am ready to assert that not only the people but the Government also will benefit by the desired alteration. During the period in which a drawback was allowed on the exportation of domestic refined sugar, the erection of refineries increased to such a degree that at present, being in a great measure confined to home consumption, most of them are idle half the year. The amount of that article exported last year, was short of 140,000 lbs., by which, no doubt the nation benefitted about $7,000, being 2½ cents per lb. on the quantity of crude sugar employed; but, sir, if the refiners be allowed a reasonable drawback, the quantity exported would in all probability soon amount to three million pounds or more annually, and, allowing only one cent per pound to be retained at the custom house, leaves a revenue of $30,000. In addition to this consideration, sir, let me add, that where a people is confined to the supplying of its own consumption of any article, the manufacture of the article must ever decline. I cannot better illustrate this proposition than by quoting the instance of the late policy of Great Britain towards Ireland. The latter nation was not only allowed the free exportation of linens, but in some cases a bounty, yet in woollens were restricted to their own consumption. Everybody knows that the manufacture of the one, although obliged to import their seed, flourished to an extraordinary degree; whereas in the other, although good wool was always abundant, declined; and they purchased their woollen cloths chiefly from England, and for this simple reason, that the dread of making too much and the surplus perishing, they dare not make enough for their own use. Observe the price of coffee in the United States, compared with any and every other country that imports and consumes it; we have it infinitely lower than any of them, because our merchants are not afraid of having more than can be consumed; knowing that they can readily obtain a drawback of duty on all they re-export. And it is owing to a defect of this regulation in the case of sugar, that the price of loaf sugar is at this time higher, compared with the price of crude sugar, than it was during the existence of the excise law, when a drawback was allowed on the exportation.

We have in some years exported from fifty to sixty millions of pounds of crude sugar. Could all this have been exported in a refined state, the revenue might have benefitted much, and the manufacturer still more. It would have brought much more in foreign countries, and enabled the exporters to import so much more of other goods, which would still have increased our revenue.

There is yet another advantage of great importance to be derived; belligerents have undertaken to say that our exportation of raw sugars was in many instances for account of their enemies; therefore, had these sugars been exported in a refined state, such allegations would not have been made.

The circumstance of merchants holding imported sugars in their warehouses for more than a year must occur so seldom, that I am astonished how it could be thought of as an objection. It may happen that sugar of a bad quality cannot be readily disposed of; but there can be no danger of refiners meddling with it.

The next objection is still more unfortunate, for in place of diminishing freight, it actually augments it—for take a cask of raw sugar, and refine it, I defy you to put the loaves made from it into the same volume; therefore, as it takes up more room and pays freight by measurement, while the crude sugar pays by weight, the ship owner is benefitted.

The argument that because a drawback is not allowed on rum, cordage, canvass, and iron, though not asked for, there ought not on sugar, is a curious one.

A drawback was allowed on rum when sugar was admitted to it; and why the distillers do not apply for it again, I know not. I do believe, though I am not certain of the fact, that a considerable part of what is commonly exported, goes to the coast of Africa; where it is not easy to procure the documents necessary to obtain the drawback. If a drawback on this article should hereafter be applied for, and it can be made appear that it is beneficial to commerce, I shall, for my part, have no objection to grant it.

The manufacturers of cordage will scarcely apply for an indulgence of this sort; the duty on imported hemp being only one cent per pound, and one pound of hemp making two pounds of tarred rope, renders the object too trifling.

To allow a drawback on imported canvass, made into sails, would be attended with much difficulty, and must cause a deviation in some respects to rules laid down, and in practice at the custom-house.

The quantity of nails and spikes exported in one year is so small, that a reasonable drawback allowed on that article would amount to a very few thousand dollars, and will not, until the manufacture shall increase very much, be asked for.

However, sir, as the House is now very thin, and probably will not come to any decision on this measure until we have further information, I move you that the Committee now rise, in order that the petitions and report on this subject be referred to the Secretary of the Treasury, that he may report thereon.

Mr. Early hoped the Committee would not rise for the purpose proposed; he was against any further reference of this business, on which so much time had already been spent, as it had been before the House for a number of years, and he did not think that any new light could be thrown on the subject.

The Committee rose, and leave being asked to sit again, it was resolved in the negative.

Mr. Early moved that the House concur with the resolution of the Committee of Commerce and Manufactures.

Mr. Varnum spoke in favor of this motion, and the question being put, that the House do agree to the said report, it was carried in the affirmative.

Friday, January 23.

Mr. Alston, from the committee appointed on the second instant, presented a bill making compensation to Messrs. Lewis and Clarke, and their companions; which was read twice and committed to a Committee of the Whole on Monday next.

On motion of Mr. Varnum, the letter from William Eaton to the Speaker, together with the accounts and documents accompanying the same, presented to this House on the seventeenth of March last, were referred to the Committee of Claims.

Resolved, That the Committee of Commerce and Manufactures be instructed to inquire into the expediency of amending the eighty-ninth section of the "act to regulate the collection of duties on imports and tonnage," and extending the provisions thereof to cases of seizure, under the laws relative to the navigation and commerce of the United States; and that they have leave to report by bill or otherwise.

An engrossed bill for the relief of Edmund Briggs was read the third time and passed.

An engrossed bill to extend the power of granting writs of injunctions to the Judges of the District Courts of the United States was read the third time and passed.

NATIONAL DEFENCE.

The House resolved itself into a Committee of the Whole on the report of the select committee, on such parts of the Message of the President as relates to the fortifications of ports and harbors.

The resolutions reported by the committee were read, as follows:

Resolved, That a sum of money, not exceeding —— dollars, be appropriated to enable the President of the United States to cause our fortifications to be improved and repaired.

Resolved, That a further sum of money, not exceeding —— dollars, be appropriated to enable the President of the United States to cause to be built a number of gunboats, not exceeding ——, for the better protection of our ports, towns and rivers.

Mr. Mumford.—Mr. Chairman, I rise to make a motion to which I am impelled from the strongest conviction on my mind, that it is of primary importance to the peace, the honor, the safety, and the welfare of this nation, we should adopt some more efficient measures in defence of our own seacoast. It is no doubt within the recollection of every member of this Committee, that in the month of April last, a most unwarrantable outrage was committed against the peace and dignity of the United States, within your own jurisdiction, by the commander of a certain British ship of war, called the Leander, who, in open contempt of your laws, and the violation of the laws of nations, did actually commit murder on one of your own citizens, within your own limits, near the port of New York, without provocation on his part, when in the lawful prosecution of his business.

However difficult it may be, notwithstanding our earnest desire to devise some more effectual means, which I hope will soon take place, to relieve a worthy class of our citizens from the cruel bondage and the lacerating whip of a man-of-war, is not this humiliation sufficient? Must we still be called upon to drink up the dregs? Will the United States submit to the humiliating degradation of having its own citizens murdered within its own limits, without making an effort and taking such strong ground as will prevent in future the repetition of the like crimes? No, sir, this nation will not submit to it. Sir, we have had insult added to injury, and notwithstanding the Cambrian frigate has been denied the rights of hospitality by the President's proclamation, in consequence of her participation in the murder of one of your citizens, yet a few days ago it appears, another of your citizens has been seized by the commander of that frigate with force of arms, and threatened, at the peril of his life, that if he did not safely conduct that ship, contrary to the laws of his country, from Cape Henry into Hampton Roads, he would blow his brains out. She did arrive in Hampton Roads, and there replenished with a fresh supply of provisions, in order the more effectually to annoy your commerce, and add new insults to your citizens and to your Government.

I do not wish to excite alarm nor irritate this nation against any foreign Government on earth; my wish is to cultivate peace and friendship with them all on honorable terms. But I never will consent to do it at the expense of the honor, the safety, and the welfare of this nation. And I hope we shall, in justice to ourselves and the duty we owe our country, pursue such prompt and efficient measures as will more effectually protect our own sea shores. Impressed with these sentiments, and in order to prevent a repetition of the like offences in future, and to aid in carrying into execution the proclamation of the President of the United States, dated in April last, I beg leave to move the following amendment to the first resolution:

"And also to enable the President of the United States to equip, man, and maintain so much of the present naval force of the United States as he may judge proper.

Mr. CLINTON.—I rise to second the motion of my honorable colleague. I am not in favor of expensive navies or standing armies. I am not certain whether, under existing circumstances, it is necessary to augment the former; but I am clearly of opinion that we should employ the force we possess in the defence of the country, and the protection of its lawful commerce. I well remember the sensation excited by the murder of Pierce. It was a glow of patriotic fire that pervaded the whole community; from Georgia to Maine it was felt like an electrical shock. Even the news of the death of Washington did not produce a more solemn effect. The want of a naval force was then severely felt, but there was no effectual power vested by the nation in the Executive to arm a single additional ship. Because we cannot meet the whole navy of Great Britain on the ocean, is it a reason that we should have no navy at all; that we should have no force of that kind to chastise marauders and pirates, and to protect our commerce and defend our ports? If we must have a navy—small as it is—let us employ it for its true design. If we have no need for a navy let us abandon it at once. I am willing to meet gentlemen on this ground. As to fortifications, it will be time enough to speak to that part of the resolution when it comes under debate.

Mr. R. NELSON said he did not know that he had any objection to the amendment; he had not made up his mind with regard to its propriety. He could wish, however, to see the blank in the first resolution in the first instance filled. If it should be filled up with a large sum, having an eye particularly to the defence of the port of New York, he should not be in favor of the amendment. He also thought the amendment would be, with more propriety, offered to the second resolution, as the first related solely to fortifications. He hoped the gentleman would inform the Committee with what sum he proposed filling the blank in the first resolution. Had it not been for the motion under consideration, Mr. N. said he should have moved to fill it with $20,000. He found that Congress had appropriated last year the sum of $150,000. From the letter of the Secretary of War, it would be seen that of this sum not more than $40,000 had been expended, and that the balance remained to be applied to the fortification of our ports and harbors. In conversation with the Secretary, Mr. N. said, the Secretary had informed him that this balance was as large a sum as could be advantageously laid out during the ensuing year; but that a sum of fifteen or twenty thousand dollars might be necessary as a contingent fund.

The Committee divided on the amendment offered by Mr. MUMFORD—yeas 46, nays 50.

Mr. R. NELSON moved to fill the blank in the first resolution with "$20,000."

Mr. COOK proposed "one million."

Mr. MUMFORD proposed "$500,000."

The motion to fill the blank with one million was disagreed to—yeas 12.

The motion to fill the blank with "$500,000" was then put.

Mr. MUMFORD.—However I may regret the loss of my amendment, I am conscious of the rectitude of my conduct, and having discharged my duty, I submit to the majority, in full confidence that we shall now pursue a magnanimous and liberal policy in the protection of our ports and harbors; and while I am disposed and willing, with a liberal hand, to extend the arm of national defence to our Western and Southwestern frontiers, I do hope the younger branches of the same family will not be unmindful of the good old thirteen United States. The importance of this subject, sir, strikes my mind in a very different point of view from some gentlemen. I consider it of serious consequence to the nation, both in relation to our foreign and domestic enemies. Sir, I do not know of any nation in the annals of history that ever neglected to protect their ports and harbors, especially when in a similar defenceless situation we now find our own. Their invariable system has been the defence of those cities which receive in deposit the productions of agriculture, commerce, and manufactures. Look to Constantinople, to the ports in Italy, to Cadiz, to Lisbon, to the whole coast of France, to Copenhagen, and to Great Britain. These nations, from time immemorial, have deemed it of primary importance to extend the arm of protection to all their ports and harbors. If the experience of ages has convinced them how essential it is to secure these places from the surprise of an enemy, however we may disapprove of their mode of Government, I do hope we shall approve and adopt their systems of defence, at least so far as they are applicable to our ports and harbors. What is the situation of our ports? Look at Charleston, South Carolina. I will take the liberty to read a communication from the Governor of that State to the Secretary of War, accompanying a Message from the President of the United States, dated February 3, 1806.

EXECUTIVE DEPARTMENT,
SOUTH CAROLINA, February 3, 1806.

I herewith transmit, that it may be laid before the Executive of the United States, the copy of an act of the Legislature of this State, ceding various forts &c. to the United States. I feel it incumbent on me to state, that such is the situation of the forts in Charleston harbor, that the only gun which can at this moment be fired is a four pounder, the carriages of the heavy pieces that are mounted being so decayed as not to admit of the use of one of them; the walls, platforms, &c. are either in ruins or fast approaching that state, from the mere operation of the tides; and that this place is absolutely defenceless against any trivial force by sea.

The harbors of Beaufort and Georgetown are entirely without fortifications of any kind.

Under these circumstances, I console myself with the hope and expectation, that a speedy interference of the General Government will follow this act of cession. I beg leave to assure you, that I shall be happy to be aiding to the utmost, in effectuating the purposes contemplated therein, by any information or other means which may be in my power. I am, &c.

PAUL HAMILTON.

To the Secretary of War.

Savannah, Wilmington, Norfolk, and many other ports in the United States, I believe, are not in a much better situation, even at this day.

What is the situation of the port I have the honor to represent? Sir, it is peculiar, from various circumstances. Nature has partly defended Savannah, Charleston, Wilmington, and Philadelphia, and many other ports in the United States, by sand bars, shoals, and rocks in their harbors and rivers. Not so with that port, only twenty-seven miles from the sea, almost in a direct line, carrying up twenty-four feet of water and no obstruction. In the Winter season, when the Delaware and the Potomac, and Patapsco, are frozen, the Hudson is open to the city of New York, no hindrance to the passage of ships of any burden. Thus we are exposed Winter and Summer to the insult of the first marauder that chooses to lay us under contribution. We do not expect the United States will construct fortifications similar to those of Gibraltar; but we do hope such measures will be pursued as to place all the ports and harbors of the nation in a respectable state of defence—that defence should be solid, durable, and proportionate to the end desired.

Can we take the responsibility on our own shoulders in neglecting to defend an exposed part of our country, wherein is centered, in so small a compass as the city of New York, upwards of ninety millions of property? Not only that city, but the whole Union would feel the shock. The States of Georgia, South Carolina, North Carolina, Virginia, and the States adjoining the State of New York, are materially interested in the fate of that place; the amount of property deposited there from those States, chiefly the productions of our own soil, cannot be less than ten millions per annum. Sir, I should wish to know if the revenue of the United States deposited there is not an object worth defending? What would be the consequence, should that city be laid under contribution? Why, the bankruptcy of your merchants, and their total inability to pay your custom-house bonds, one being security for the other; and they all being plundered by the enemy, will render it impossible for them to pay, however anxiously they may be inclined to support that reputation which they consider coeval with their existence.

Do gentlemen expect the United States money would have an ear mark on it—"millions for defence, not a cent for tribute," and that it would receive a peculiar protection? No, sir, the enemy would make no distinction—money he must and would have.

Whatever may be the objections of some gentlemen to the wooden walls of a navy, and however we may differ on that point, on which I think there cannot be a dissenting voice—I mean the defence of our own shores, an inheritance purchased at the immense sacrifice of the blood and treasure of our ancestors; and I do hope we shall transmit it inviolate to the latest ages: I hope we shall ever be united in one sentiment, in the defence of our own shores. The present state of Europe and our own safety demand it of us, as a duty we owe to ourselves and to our country.

Sir, I contend we have a just claim on the General Government in common with the other States, for the protection of the port of New York; when we entered into the national compact, we surrendered in full confidence our peculiar local situation for the common defence, and to promote the general welfare of our country—not doubting in the least but that we should of course receive that protection we are justly entitled to, and I cannot but persuade myself, that when gentlemen take into view the magnitude of the object, they will vote a liberal appropriation, subject to Executive discretion. I am not only speaking the language of New York, but the constant language from Maine to Georgia.

This is not a new subject, sir; it has been the constant solicitude of the inhabitants not only of New York, but of these old thirteen United States for the last fifteen years of European war. They have relied on the assurances of peace repeatedly given them, and concurring in opinion that it was of consequence to redeem the national debt, they quietly, though with unfeigned anxiety, have waited the favorable moment when the finances of their country should become adequate to that end. The happy period having arrived, and strong in the consciousness of right, and in the sentiments of freedom, convinced that they have performed towards the Union all the duties of faithful citizens, they claim in return that great duty of all Governments, protection.

Mr. Smilie.—I agree with the gentleman from New York, that if we could, we ought to render the ports and harbors of the United States, invulnerable to any enemy. But if nature forbids this, can we effect it? The gentleman informs us that our Treasury is overflowing, and that the happy moment has arrived for accomplishing this important object. But does not the gentleman see that to adopt the course he recommends would be to proceed blindfold in this business? If he really believes it practicable to fortify the port of New York against the attack of an enemy, and it is true that we possess the means of doing it, what ought to be our first step? Surely to appoint a qualified engineer to examine the harbor, and to decide whether its fortification be practicable, with instruction, if he thinks so, to report a plan, and an estimate of the sum required. This appears to me indispensably necessary before we make a grant of money. From what I have heard from the best judges, I am inclined to think that it is impossible to defend the harbors. At any rate I do not perceive any great reason for anxiety beyond that which has existed for several years. We are not at present threatened with war. On the contrary, the nation, of whose injuries we have had the greatest reason to complain, is in treaty with us, and manifests an amicable disposition towards us. I am, therefore, of opinion that there is no danger at present; and I consequently think it would be unwise to arrest the discharge of the national debt, and apply large funds to this object, without any evidence of its utility. I have no objection to go as far as the Government thinks proper in the building of gunboats. But I think a large appropriation for fortifications would at this moment be objectionable. I believe the whole revenue of the United States would prove inadequate. For these reasons I am opposed to the amendment.

Mr. R. NELSON.—I cannot agree to fill the blank with so large a sum, and for this reason: We have been told by the Secretary of War, who must from his situation be considered as the best acquainted on this subject, that, although we should appropriate ten millions, the unexpended balance is as much as can be advantageously used during the ensuing year. This being the case, it is altogether unnecessary to inquire into the expediency or practicability of fortifying our ports and harbors from Maine to Georgia; as, if the thing were practicable, and we had the means, more than is already appropriated could not be advantageously expended. Let us for a moment examine the arguments of gentlemen. They have referred to the course pursued by other nations. They have told us that every other nation has fortified its ports and harbors, and has kept up great armies for its defence. What is the consequence? Their people are reduced to beggary and want. Rather than see the people of this country placed in the same calamitous condition, I would prefer beholding all the towns in the United States prostrate.

I recollect that in the year 1776 it was considered good policy to defend the city of New York. For this purpose troops were stationed on Long Island, on Staten Island, and on the island of New York. What was the consequence? The flower of our army was destroyed, without answering any valuable purpose.

Look at Charleston. It was also deemed politic to defend that city; and the whole Southern army was thrown into it. The whole army was either destroyed or made prisoners.

So it will be in all instances of a like kind, whenever we shall be engaged in a contest with a foreign Power, possessed of a large naval force; the garrison we may throw into a town will be destroyed. It becomes us, if we are wise, to pursue a different policy. When the enemy comes, let them take our towns, and let us retire into the country. There we can meet and defeat them. But if we waste our strength in an ineffectual attempt to defend our towns, after having lost our best troops, we shall be obliged at last to take refuge in the country.

Now, as to the port of New York, ten millions of dollars would not make it invulnerable to the attack of eight or ten ships-of-the-line. But suppose they did. Would not the enemy land their troops in the rear of the fortifications, and then where would be their utility? If we could oblige the enemy to come directly before our fortifications, they might be of some avail. But they will be too cunning to expose themselves unnecessarily to danger. It appears to me to be the most preposterous thing on earth to appropriate $500,000, when we are told that the sum of money already in the hands of the Government is as great as can be advantageously expended in the course of the present year.

Mr. CLINTON.—I do not rise to answer the arguments of the gentleman from Maryland, because I conceive them to be *unanswerable.* I can see no point in them. But I rise for information—to know of that gentleman whether he has received any estimate from the Secretary of War of the sum required to fill up the blank. If the Department of War be possessed of such information, and has formed the plans ascribed to it, I should wish them to be known, that the representatives of the people may not incur that responsibility which otherwise might be attached to them. I do not, however, mean by this intimation to express the least doubt of the good conduct of that department of the Government.

[The letter of the Secretary of War was here read, at the instance of Mr. CLINTON.]

Mr. COOK observed, that when a motion had been made for the increase of our small Navy, they had been told that we were a land animal, and ought to adopt measures for our defence on our own terra firma. He said he should not have risen on this occasion but for the monstrous doctrine avowed by the gentleman from Maryland. Are we, said he, when an enemy attacks our towns, like the Indians of our country, to burn our wigwams and fly for safety! Mr. C. said this appeared to him a perversion of the true principles of justice, economy, and policy. It appeared to him to be necessary to defend their seaports, in proportion to their magnitude and riches, and to the revenue derived from them. Now, it was a fact that nine-tenths of the whole revenue of the United States was collected in or near the towns. The House had recently repealed the act laying a duty on salt, the consequence of which was that the remaining duties fell the heavier on the seaport towns.

What will the nations of Europe think of us, said Mr. C. if we pursue this conduct? If we shall be involved in a war with either of them, what have they to do, but to send a few small schooners to attack our towns, under the assurance that we will make no resistance to their pillage and destruction? I hope this absurd sentiment is not entertained by many members. I hope the House will fill the blank with a liberal sum—with the sum of $500,000

Mr. MUMFORD.—Sir, I was well aware that the gentleman from Maryland would inform us what says the estimate from the Secretary of War. Although I have as much respect for that officer as any man, and have the fullest confidence in his integrity, economy, and distribution of the public money appropriated to that department, yet I presume he is not infallible. For my part, I differ essentially with him in relation to the defenceless situation of our seaboard from Maine to Georgia, which I consider as much exposed as the Western or Southwestern frontiers. When I have been called upon to vote supplies for those exposed parts of the Union, I have done it most cheerfully, presuming the same measure would be dealt out to all the vulnerable points of exposure in the nation. According to the doctrine of some gentlemen, it would appear that we soon shall have nothing to do but to assemble, and like the old Parliaments of France, enregister whatever edicts the heads of departments may please to present us. I am a plain republican, seeking neither office, nor courting popularity, firmly attached to the principles of freedom, and to what I conceive to be the true interest of my country. I shall exercise my own feeble judgment in pursuing such measures as I think may secure our common country against the inroads of foreign and domestic enemies; and, viewing the importance of more effectually defending our seashores, (ports and harbors,) and considering it equal in importance to other vulnerable parts of the Union, especially in regard to our relations with Spain—for we cannot say how soon we may be called upon to defend our own firesides—I cannot, I will not, any longer bear on my shoulders the burden of that high responsibility. I do therefore hope the Committee will agree not to strike out.

Mr. Tracy.—There appears to be a very great difference of opinion in the minds of this Committee respecting the sum with which this blank ought to be filled. The sum of $10,000 and the sum of $1,000,000 have been mentioned. Between wise men, is it not extraordinary that such difference should be discovered! I wish the blank to be filled with $500,000. The gentleman from Maryland has informed us, that an application has been made of only a part of the appropriation of last session. This is one reason why I wish a large sum appropriated at this time. I feel confident the money will not be squandered away in a useless manner. It is, that the President may have the money at command, if it becomes necessary to make use of it; and if there is no reason for applying all the appropriation, the money will lie safe in the Treasury. Besides, I really yet hope some amendment will be made in the report, similar to the one proposed by my colleague, by which the President will be enabled to arm, equip, and keep in actual service, if necessary, all the gunboats and frigates. The circumstances of the nation are in many respects essentially altered since the last year, and at this important crisis we cannot exactly ascertain how great a sum will be necessary to meet the exigencies of the year ensuing. The gentleman from Maryland has very cautiously informed us, that the city of New York cannot be fortified, unless at an enormous expense, that the very attempt would be to set a trap for our own troops; therefore, if an enemy should come, it would be better to retreat into the country. In answer to the gentleman, I would inform him that we do not expect the United States to fortify New York with walls of brass and brazen gates, like Babylon. But the citizens of that important commercial city feel that they have a just right to claim from the Government some protection, some kind of fortifications, which will serve to obstruct the approach of a naval force for a time, that they may have at least a few hours to collect and carry with them their most valuable property in their flight. The property at this moment exposed is valued at more than one hundred millions of dollars. So great wealth was never before, by any nation, left unprotected. If the members of this House are determined to withhold the defence of the citizens, and of the property of the citizens of New York, merely as private property, then I call on them to defend their own property. Yes, Mr. Chairman, property of the United States to a great amount is exposed, and on the Representatives devolves the duty of making such appropriations as will enable the Executive to preserve the wealth and resources of the nation. The property of the United States in the city of New York is calculated from four to six millions. This amount of public property is exposed, for if the property of individuals, who owe the Government, is taken from them or destroyed, they cannot fulfil their engagements with the public. The very circumstance of leaving so much wealth in the defenceless situation in which we now find it, seems to invite aggression. It is a lure to any naval Power to attack us. The quantity of specie in the banks of New York and other seaport places, at all times, is an inducement to the freebooters of the ocean, of any nation, to fall upon such places, and lay them under contribution, or rifle the banks. I would call the attention of this Committee to the situation of New Orleans. Here we find the conspirators in our own country calculating upon the money in the banks to enable them to carry on the enterprise. Had they succeeded in seizing the bank of New Orleans, is it not probable that these same conspirators might have fitted out an armament sufficient to have laid New York under contribution? Considering the imminent danger of many of our seaports, in their defenceless situation, I sincerely hope the Committee will consent to fill the blank with $500,000.

The motion was disagreed to—38 to 65.

Mr. Mumford then moved to fill the blank with '400,000.'

This motion was disagreed to—37 to 66.

Mr. Mumford then proposed '300,000'—Disagreed to—ayes 36, noes 58.

Mr. Cook proposed '250,000.'

Mr. Smilie said he sincerely wished the gentlemen would inform the House what kind of defence they desired. Last session a large sum had been appropriated for building gunboats. He still considered this species of defence the most consistent with their means; and that the money granted for the fortification of ports on the present plan would be so much money thrown away. He believed all they could do at present was to increase the number of gunboats.

The question was then taken on filling the blank with '250,000,' which was disagreed to—ayes 37, noes 69.

Mr. THOMAS said he rose to move that the blank be filled with one hundred thousand dollars, and he hoped the Committee would consent to fill it with that sum. He had not voted for the large appropriations which had been moved by several gentlemen, because he thought it was asking too much at this time; it was also unnecessary, because it was much more than could be expended to advantage, in one year; but he did hope that the Committee would agree to fill the blank with one hundred thousand dollars. He said the port of New York was, confessedly, the most important port in the Union, and it was by far the most vulnerable—it was therefore at this point, no doubt, the greatest part of any appropriation which should be made would be expended. It has been urged, as an objection to appropriating any considerable sum for this object at this time, that there is a large unexpended balance of the appropriations made at the last session; but the reason why a greater sum was not expended at that port, during the last summer, must be obvious to every one who had inquired into the subject. It was midsummer before the Secretary of War was able to complete a contract with an engineer and workmen, after which it was found necessary for the contractors to erect temporary buildings, which they were allowed to do on the public ground, for themselves and workmen to live in while they were at work; before this was done the greater part of the season was spent; but every thing is now ready to progress with permanent fortifications there, provided we afford the means. There is no question but that much more money will be expended to advantage, at that place, the next summer, than the unexpended balance of the former appropriation, if we authorize it, and he trusted we should—that the appropriation of this reasonable sum would not be refused. There have been, said he, several plans for defending that port, presented to the public, by sundry engineers, and which, he understood, were also submitted to the Executive, with estimates of the expense, some of which do not exceed $300,000. Provided we afford the means of progressing with works for the effectual defence of that port, there is no doubt but that the head of the War Department will adopt some of those plans, or form one from the whole, and proceed upon it, besides there can be no possible disadvantage resulting from an appropriation a little larger than would be expended in one year. We all know that the unexpended balance of any appropriation after a given period passes to the surplus fund, while on the other hand a real inconvenience may result from an appropriation too small; in this case the workmen must be discharged, perhaps in the middle of the season, everything stopped, and any contract, however advantageous, which may be entered into, given up.

Mr. Chairman, said Mr. T., we have heard great complaints, from citizens of the city of New York, on this subject, and we have heard, both out of doors and in the House, the present Congress charged with illiberality, and a want of due regard to the interests of the people of that city. I am far from joining in this charge—I think it an unjust one. I find, on examination, that the whole amount expended on fortifications, at that port, by the General Government, previous to the last session, was $100,025. Although we were threatened with a war in 1794-'95 by England, and were threatened, or were actually in a state of war with France in 1798-'99, notwithstanding this state of things, this sum was the whole that was allowed to put that port in a state of defence; while the present Congress, at the last session, did appropriate $150,000, the greater part of which was intended, and is in a train of expenditure, in fortifications, at that port. But, while I am willing to allow you full credit for the liberal appropriation made at the last session for this subject, I do hope and trust that you will continue to merit the same approbation, from all candid and impartial men, by filling this blank with one hundred thousand dollars.

Mr. HOLLAND said, he felt no hostility to New York, or any other city of the United States. He had, however, voted against filling the blanks with the sums that had been proposed, from the impression that they were not susceptible of fortification from the attacks which might be made from without. On this ground he was against going to any great expense for the fortification of this or any other port, and should therefore vote against the present motion.

Mr. N. WILLIAMS—When I look around me upon this floor and view the apathy and calm indifference that seems to pervade the Representatives of the nation, my heart is filled with the deepest apprehensions. From the course the business before us has taken, sir, I apprehend that we shall never rise into action, until roused by some dreadful disaster. Nor indeed do these fears appear to be without a foundation, when we have upon this subject, from various quarters of the House, such peculiar objections and extraordinary propositions. On the one hand, the gentleman from Maryland tells us of the expense of defending our seaports and towns; and proposes in order to avoid it, that we should retreat in case of danger, with our families and valuables, back into the tobacco fields and behind the mountains! While another on my right, tells us of the impossibility of erecting fortifications to defend New York; and tells us, also, that he will never consent to enter into measures of defence in time of peace. When we hear opinions and propositions like these, coming from sources so highly respectable, let me ask, whether there is not some cause for alarm? Would gentlemen consider seriously of the importance of the city of New York, with respect only to the wealth and commerce, and of its present exposure and defenceless situation, I am induced to believe, that this subject would not be treated so lightly. When the gentleman from Maryland speaks of the measures of the last session upon the subject of fortifications, he seems to have fallen into a very great mistake. He supposes that Congress intended, by granting the pitiful sum of one hundred and fifty thousand dollars towards fortifications, to adopt the plan of erecting new works. And then he observes, that the Secretary of War has not been able to expend more than one-third of the money appropriated; and infers that it will be folly to grant more money when it cannot be expended. It will be recollected, however, by all who were present, when the appropriation was made last year, that it was expressly avowed by the honorable chairman of the committee, (Mr. Dawson,) which reported the bill, that they had nothing but the reparation of old works, and to provide arms and ammunition for whatever place they might be wanted. This is probably the reason why no more of the money appropriated is not expended. On any other grounds it is to me unaccountable.

But, sir, it seems that whenever a plan of this kind is proposed in this House, we are to be met constantly with the cry of expense. And now, when the sum to be granted is whittled down to almost nothing, the same plea is presented to us, of expense. It appears from a report presented to this House by the Secretary of the Treasury, that after paying the sum of about $8,000,000, for the interest, and towards the principal of the national debt, and leaving an ample sum for the current expenses of the Government, we shall have not far from $2,000,000 in the Treasury at our disposal. Instead of devising new and extraordinary ways and means for getting rid of the public money, to me it would appear better, I confess, and more to the honor of the nation, to apply it in placing our cities and seaport towns in a state of safety—in defending them, at least from the assaults of the most insignificant squadrons that sail upon the ocean. Here, too, we are met by the gentleman on my right, (Mr. Smilie,) with a most formidable objection. Expend what you will, according to his opinion, it is impossible to erect fortifications that shall prove sufficient to defend the harbor and city of New York. He calls upon us for a plan, and tells us, that if it can be defended, to produce our plan. I do not pretend, sir, to be very wise upon this subject myself; but I have been told that the ablest engineers have examined the position, and have given it as their opinion that an effective mode of defence is practicable. But if defence is impossible, I call upon the gentleman to show wherein the peculiarity of the situation of that place consists, to render it so. For surely the pretence of impossibility would not be made use of here, unless the city and harbor of New York were different from all other places in the world that were ever defended. But have we no plan? I trust the gentleman who urges this against us, will call to mind, upon reflection, that a plan has been presented and laid upon his table—drawn up as we are told by a reputable citizen of New York—according to which, that city and harbor may be defended at an expense not to exceed $200,000. The truth is, that there seems to be an hostility against the adoption of any plan. Suppose, however, it should be conceded, that no plan can be devised, to render New York perfectly secure against the hostile assaults of an enemy, is it therefore, certain that nothing can be done to render the lives and property of its citizens more secure? Can nothing be done, better to enable some of the citizens to arrest the assaults of an enemy, while others with the women and children, and a few moveables, are running away to the mountains? There are two or three excellent regiments of artillery in the city of New York; these men would do their duty no doubt, in case of an assault—but, I ask, what they can be expected to do, without breastworks or batteries behind which to carry on repulsive operations? There is not a single battery or other work of defence on either side of the city; nothing to prevent ships of war from anchoring deliberately on either side, and firing upon the town and throwing in hot bombs for its destruction. If in works of this kind, we should expend two or three hundred thousand dollars, and thereby enable the citizens to arrest the progress of an attack, while they are securing their wives and children, and eight or ten millions of property, I should think the money well laid out. As it is, resistance would be vain.

The same honorable gentleman tells you, sir, that he does not see the cause of such anxiety at present, and has adopted this extraordinary language—that he will never consent to enter into measures of defence in time of peace. Why, sir, I always thought that a time of peace and prosperity, was the proper time to take measures of security against times of danger. We ought to be alarmed to hear such language from so respectable a statesman. It evinces to my mind that there is something rotten at bottom. I do not mean, sir, that there is anything corrupt; for the gentleman who uttered these sentiments is known to be an honorable and honest man. No one can respect him more than I do. What I mean is, that the principles he adopts on this occasion are without foundation, and coming from so respectable a source, they are attended with the more danger. Upon these principles, we are not to think of self-defence until the sword is lifted over our heads, and our country wrapt in flames. These principles will lead us to total inaction and degradation.

Again, the gentleman from Maryland tells us that projects of this kind will lead to slavery, beggary, and want, and calls upon us to look at the nations of Europe to verify the assertion. If the gentleman will prove to us that measures of this kind have produced that effect in foreign countries, or that they will produce it in this country, I will lift up both my hands against them. This is the first time that I ever heard, that to protect the commerce and commercial towns of a country, would reduce the people to a state of beggary and slavery. I believe most fully, that to leave commerce unprotected, and thus to suffer it to be destroyed, will be leading our citizens in a very direct road to inaction, and a state of abject meanness. But gentlemen from the South are under a very great mistake upon this subject. There is, let me tell them, a commercial spirit in this country that cannot be suffocated. Do what we may, it will be heard and felt. I did cherish a hope, sir, that something would at length be done, to enable the Government to lay a foundation for permanent fortifications. Low as the sum is now reduced for this purpose, still we find objections to it. It is this, which I think ought to arouse our feelings.

Gentlemen have alluded to a document from the War Department, to show that the money already appropriated for fortifications has not been expended. I shall always mention the head of that Department with great respect and deference. I have before explained the probable reason why that money has not been expended. The money was not granted for the erection of new works. Even this small sum of $100,000, added to the money unexpended of the former appropriation, will enable the Government to lay the foundation of an efficient plan of defence. Let it be once understood, that this is the wish of the nation, and I have no doubt it will be done. It is very possible, that if we determine to do nothing but patch up old works, the Government may find a difficulty in expending even the small sum we may appropriate. I did hope, sir, when my honorable colleague came forward with his proposition, that we should be able to obtain a larger sum; but since that seems now out of the question, I do still hope that the appropriation will not be suffered to dwindle into nothing.

Mr. NELSON said he did not mean to have troubled the House with any remarks on this point. But when he heard gentlemen talk on a subject which they did not understand, however well they might be acquainted with other subjects, he considered himself called upon to say something. He thought it very unlike a gentleman of the profession of the gentleman from New York to call upon them to prove a negative. This was a new doctrine. He thought it would be most regular for the gentleman himself to show the practicability of defending the port of New York. The *onus probandi* ought surely to fall on those who advocated this measure. Ay, but say the gentlemen, let us have a few batteries, for the purpose of throwing from them hot bombs. This thing, Mr. N. said, was entirely new to him, and was his reason for saying he thought the gentleman from New York did not understand the subject. He could not understand the expression *hot* bombs; and, indeed, the gentleman's knowledge on this point so surpassed his, that military men and engineers ought to apply to him for information.

But, says the gentleman, shall we not defend our ports and harbors? Mr. N. said he believed the fortifications would not be of use unless they were manned, as he had never heard of fortifications defending themselves. And what number of men would their defence require? A hundred thousand men would be incompetent to the task. What kind of men? The militia of the country, engaged at home in agricultural and other pursuits? No. It would be impossible to get these; and, if they could be procured, they would be incompetent to the duty. The defence of the works would require experience and peculiar knowledge. If, indeed, they undertook the fortifying all the ports and harbors of the United States, would a hundred thousand men be sufficient? If gentlemen thought so, they were egregiously mistaken. But is the House ready to raise a hundred thousand regulars? And is there any man bold enough to say, if they should, that such an establishment would not endanger the liberties of the nation, and be in the highest degree oppressive to the citizens of the United States? This is the application I wish to be made of the remarks I have offered, viz: that fortifications will be of no possible service unless they are manned, and to man them we must have a large standing army; and to know from the House whether they are prepared to adopt a system tha will require the raising of above a hundred thousand men?

Mr. N. WILLIAMS.—After the specimen the honorable gentleman from Maryland has given us of his military skill and prowess, in his proposed plan of flying to the mountains for defence, I shall never think of contending with him for superiority upon that subject. I would remind that gentleman, however, that before he undertakes to criticise upon the observations of others, it would be well for him to be very sure that he is correct himself. Perhaps, if he would take the pains to investigate a little, he would find that our bombs have generally a little fire in them, and consequently may chance to be rather *hot.*

He may likewise have in remembrance that we have none of us arrived to that sublime height of perfectability which some philosophers have supposed the human mind capable of attaining. We are yet wandering in the region of error. I forewarn that gentleman, therefore, not to act upon the idea that he has himself attained to perfection.

Mr. COOK moved to fill the blank with 200,000.

Mr. STANTON said, the idea that because fortifications could not do everything they could do nothing, was futile. He was for doing as much as could be done for the defence of the country. In support of his remarks, Mr. S. referred to a variety of instances on the page of history.

Mr. COOK said, he hoped before gentlemen rejected the motion under consideration, they would assign more satisfactory reasons than had as yet been adduced. We all, said Mr. C., profess to reverence the prowess and conduct of the late General WASHINGTON. Did he ever instruct the officers and soldiers under his command to abandon without a contest the cities to the enemy? And will any rational man say that measures, which even do no more than give time for the security of property, are not highly useful in time of war? I consider the people in the Atlantic States entitled to an equal defence with their Southern brethren on the frontiers, and to the expenditure of an equal sum of money for that purpose. How much had we expended for them? Fifteen millions have been appropriated on one occasion. Let me not be understood as applying to this measure the language of complaint. But I only adduce the circumstance to establish our claim, and I hope the gentlemen who represent that part of the United States which has been so abundantly defended, and at so great an expense, will be willing to accord to us that protection which our situation requires.

Mr. Southard said he considered the question before the Committee to be, whether the port of New York could be so fortified by land batteries as to annoy the enemy. Mr. S. said he was of opinion that it would be, at least so as to annoy any vessels that might attack the city for the purposes of insult or contribution. He was of this opinion from the little which he had seen in the year 1776. From the observation he had then made, he believed, if proper batteries were erected, it would be impossible for frigates or ships-of-the-line to burn or batter down the city. With regard to some remarks which had been thrown out, he had himself no idea that our citizens were to run away on receiving an attack from a few frigates. Neither was he of opinion that it would be proper to fortify all our towns. Gentlemen well knew that there were few ports in the United States that an enemy would consider it an object to attack. He, therefore, thought everything which had been said of the necessity of raising a hundred thousand men, and of enslaving the country, inapplicable to the subject under consideration. Mr. S. further said that he had no idea of an invading enemy. His only fear was from the insult and depredation of pirates, whom he was, therefore, anxious to be prepared to give a warm reception. For this purpose he did not believe it necessary to appropriate a large sum of money. He concluded by expressing a hope that the Committee would concur in making a moderate appropriation.

Mr. Lyon advocated a liberal appropriation.

Mr. Macon (Speaker) observed that the arguments of gentlemen were almost entirely confined to the policy of defending the port of New York; whereas the measure under consideration was much broader, and extended generally to the protection of the ports and harbors of the United States. The only question then really before the Committee was, what sum was now requisite for this object. The chairman of the select committee, to whom this subject has been referred, proposed to fill the blank with $20,000. He has informed us, on the authority of the Department of War, that this sum, added to the unexpended balance appropriated last year, is as much as can be advantageously expended this year.

It appears to me, said Mr. M., that this is all gentlemen can require. No abstract question is involved in this measure, whether the port of New York is defensible, or whether we shall defend it. The second resolution contemplates the building of a number of gunboats. The remarks of gentlemen as to the defenceless state of our ports and harbors apply generally to the whole United States, unless they consider New York as more important than any other port. They labor under a great mistake when they consider the country as not equally interested in this question. Any injury that befalls the ports will necessarily affect the whole country where the produce that is taken to market is raised. The State he represented was as much interested as the State of New York, or any other State in the Union.

Mr. M. said he imagined by this time the people of the Western country thought they had fully paid the debt of fifteen millions—they had been so often told of it. He, however, was one of those who viewed the purchase of Louisiana as no local measure, or as being peculiarly beneficial to any one part of the Union. The navigating States were deeply interested in it, and so likewise were the Southern States in removing to a distance a dangerous neighbor. He had always considered it as a measure in which they were all concerned.

The Committee then divided as follows—on filling the blank with 200,000—yeas 42, nays 65; 100,000—yeas 51, nays 60; 50,000—yeas 38; 20,000—yeas 57, nays 42.

Mr. R. Nelson moved to fill the blank in the 2d resolution with '300,000.'

Mr. Mumford moved to fill it with '3,000.'

Mr. R. Nelson.—If gunboats are built, we ought to build enough to answer the purpose intended. The proper department has informed us that $300,000 will be necessary for that purpose. For myself, I am wholly ignorant of the utility of gunboats, but, from information received from those who ought to understand the subject, I believe they are the best species of defence. They are constructed so as to operate in shallow water, where frigates and larger vessels cannot come. I believe they are the natural mode of defending our ports so far as they are capable of any defence. But I am really astonished at the motion of the gentleman from New York (Mr. Mumford.) Just now he was for granting a million towards the defence of our harbors, and now he thinks $3.000 are quite enough. I leave it to him to reconcile his opinions.

Mr. Mumford.—Gunboats may answer in rivers and in the Southern States, where the water is shallow; but they are inadequate to any useful purpose of defence in the Northern States, where the waters are rough.

Mr. Cook was in favor of gunboats, though he thought they ought not to be the exclusive means of defence.

The motion to insert 300,000 was lost—yeas 36, nays 46.

Mr. Thomas moved to insert 250,000. That sum would build fifty gunboats.

The motion was agreed to—yeas 53. nays 33.

Mr. R. Nelson then proposed to fill the second blank with fifty. Had the House agreed to fill the first blank with 300,000, he should have proposed sixty for the second blank.

Mr. D. R. Williams hoped the Committee would not agree to this motion, and for this reason: the sum of $250,000, would not be sufficient to build fifty gunboats. Look at the documents on the table, and you will see, said Mr. W., that the lowest sum expended on the building of a gunboat exceeds $10,000.

Mr. R. Nelson said he did not understand the reasoning of the gentleman from South Carolina. It appeared to him demonstrable that if $300,000 would build sixty gunboats, $250,000 would build fifty. This was all that was required by the gentleman at the head of the Navy Department, and he believed these gentlemen were not in the habit of asking too little.

Mr. D. R. **WILLIAMS** said he had only risen to warn the House against a surprise. They had better documents than this estimate of the Secretary of the Navy. By his reports it would be seen that there had not been a single gunboat built for less than $10,000.

Mr. **COOK** observed that it appeared, from the most correct information, that some of the gunboats could be built for $5,000.

The motion to fill the blank with "fifty," was then agreed to—yeas 53, nays 32.

Mr. R. **NELSON** then offered an amendment to the following effect:

"That the sum of —— dollars be appropriated to authorize the President to arm, man, and equip such a number of gunboats as he may think the public service requires."

The amendment was agreed to without a division.

Mr. **THOMAS** offered an additional resolution, authorizing and requesting the President to cause measures to be taken to ascertain how the port of New York may be best protected, and to obtain an estimate thereof.

This motion was objected to by Messrs. **SMILIE**, **HOLLAND**, and **LLOYD**, principally on the ground that if any such inquiry were made, it ought to be extended so as to apply to the other ports of the United States, and was negatived—yeas 39, nays 46.

The Committee then rose and reported the bill.

Mr. **VAN CORTLANDT** moved an amendment to the addition to the second section, introduced at the instance of Mr. R. **NELSON**, authorizing the President at any time to man and equip such of the other armed vessels as he may deem proper.

Messrs. **VAN CORTLANDT**, **ELMER**, **MUMFORD**, and **COOK**, supported; and Messrs. **FISK** and **BURWELL** opposed this amendment.

When on motion of Mr. **SOUTHARD** the further consideration of the subject was postponed till Monday, to which day the House adjourned.

MONDAY, January 26.

Another new member, to wit: **WILLIAM W. BIBB**, fron Georgia, returned to serve as a member for the said State, in the place of Thomas Spalding, who hath resigned his seat, appeared, produced his credentials, was qualified, and took his seat in the House.

A message from the Senate, informed the House that the Senate have passed a bill, entitled "An act for the relief of Seth Harding, late a captain in the navy of the United States;" and also a bill, entitled "An act establishing circuit courts, and abridging the jurisdiction of the district courts in the districts of Kentucky, Tennessee, and Ohio;" to which they severally desire the concurrence of this House.

Mr. **ALEXANDER**, from the committee appointed on the second instant, presented a bill prescribing the effect of records of judgments and decrees of courts of one State in another State; which was read twice and committed to a Committee of the Whole on Thursday next.

A Message was received from the President of the United States, enclosing an affidavit of General Wilkinson, charging Messrs Samuel Swartwout, Peter V. Ogden, and James Alexander, with being concerned in a conspiracy.

The Message amd affidavit were read, when Mr. **THOMAS** inquired if the documents alluded to therein did not accompany them, and received for answer that there were no further documents transmitted to the House.

SUSPENSION OF THE HABEAS CORPUS.

A message was received from the Senate, by Mr. **SAMUEL SMITH**, as follows:

Mr. **SPEAKER**: I am directed by the Senate of the United States to deliver to this House a confidential message, in writing.

The House being cleared of all persons except the members and the Clerk, Mr. **SMITH** delivered to the **SPEAKER** the following communication in writing:

Gentlemen of the House of Representatives:

The Senate have passed a bill suspending for three months the privilege of the writ of habeas corpus, in certain cases, which they think expedient to communicate to you in confidence, and to request your concurrence therein, as speedily as the emergency of the case shall in your judgment require.

Mr. **SMITH**, also delivered in the bill referred to in the said communication, and then withdrew.

The bill was read as follows:

A Bill suspending the writ of Habeas Corpus for three months, in certain cases.

Be it enacted, by the Senate and House of Representatives of the United States of America, in Congress assembled, That in all cases, where any person or persons, charged on oath with treason, misprision of treason, or other high crime or misdemeanor, endangering the peace, safety, or neutrality of the United States, have been or shall be arrested or imprisoned, by virtue of any warrant or authority of the President of the United States, or from the Chief Executive Magistrate of any State or Territorial Government, or from any person acting under the direction or authority of the President of the United States, the privilege of the writ of *habeas corpus* shall be, and the same hereby is suspended, for and during the term of three months from and after the passage of this act, and no longer.

Mr. P. R. **THOMPSON** moved that the message and the bill received from the Senate ought not to be kept secret, and that the doors be opened.

Mr. **BURWELL** and Mr. **SMILIE** spoke in support of the motion.

Mr. **EARLY** thought that a previous order should be taken to remove the injunction of secrecy. To open the doors and admit strangers to hear the debate, and yet continue the injunction of secrecy on members would present a singular spectacle.

Mr. J. **RANDOLPH** said they could not be bound to secrecy except by their own vote. If there was any charm by which they could be bound, except their own act, he wished it might be dissolved.

Mr. G. W. **Campbell** hoped the usual course would be pursued; read the bill a second time, and then refer it to a Committee of the Whole.

Mr. **Alston** thought the question, whether the bill should pass to a second reading, first in order.

The **Speaker** decided that the motion to open the doors was in order, and the question on that motion must first be taken.

The yeas and nays being demanded by one fifth of the members present, they were ordered to be taken.

The question then was put on the motion, *That the message and bill received from the Senate ought not to be kept secret, and that the doors be now opened;* and resolved in the affirmative—yeas 123, nays 3,

Yeas—Willis Alston, junior, Isaac Anderson, John Archer, David Bard, Joseph Barker, Burwell Bassett, George M. Bedinger, Silas Betton, William W. Bibb, Barnabas Bidwell, Phanuel Bishop, John Blake, jun., Thomas Blount, James M. Broom, Robert Brown, John Boyle, William A. Burwell, William Butler, John Campbell, John Chandler, Martin Chittenden, John Claiborne, Joseph Clay, Matthew Clay, George Clinton, jun., Frederick Conrad, Orchard Cook, Richard Cutts, Samuel W. Dana, Ezra Darby, John Davenport, junior, William Dickson, Theodore Dwight, Elias Earle, Peter Early, James Elliot, Caleb Ellis, Ebenezer Elmer, William Ely, John W. Eppes, William Findley, James Fisk, John Fowler, James M. Garnett, Charles Goldsborough, Peterson Goodwyn, Edwin Gray, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, Seth Hastings, William Helms, James Holland, David Holmes, David Hough, John G. Jackson, Walter Jones, James Kelly, Thomas Kenan, Nehemiah Knight, John Lambert, Joseph Lewis, jun., Henry W. Livingston, Edward Lloyd, Duncan MacFarland, Patrick Magruder, Robert Marion, William McCreery, David Meriwether, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Jonathan O. Mosely, Gurdon S. Mumford, Jeremiah Nelson, Roger Nelson, Thomas Newton, jun., Gideon Olin, Timothy Pitkin, junior, John Porter, John Pugh, Josiah Quincy, John Randolph, John Rea of Pennsylvania, John Rhea of Tennessee, John Russell, Peter Sailly, Thomas Sammons, Thomas Sandford, Martin G. Schuneman, Ebenezer Seaver, James Sloan, Dennis Smelt, John Smilie, John Smith, Samuel Smith, Henry Southard, Richard Stanford, Joseph Stanton, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, Philip R. Thompson, Thomas W. Thompson, Uri Tracy, Abram Trigg, Philip Van Cortlandt, Killian K. Van Rensselaer, Joseph B. Varnum, Daniel C. Verplanck, Peleg Wadsworth, John Whitehill, Robert Whitehill, Eliphalet Wickes, David R. Williams, Marmaduke Williams, Richard Winn, Joseph Winston, and Thomas Wynns.

Nays—Josiah Masters, David Thomas, and Nathan Williams.

Mr. **Eppes** moved that the bill be rejected. This motion was afterwards withdrawn to give place to another motion, but with the idea of renewing it again.

Mr. **Burwell** said, he was unacquainted with the particular reasons which had induced the Senate to pass this bill. None had been assigned when the bill was communicated, and no additional documents presented. He could, therefore, only be governed by that information which the House had received; and he believed that it would justify the motion before the House. The President, in his Message of the 22d, says, "on the 'whole the fugitives from Ohio and their associates from Cumberland, or other places in that 'quarter, cannot threaten serious danger to the 'city of New Orleans." If that be the case, upon what ground shall we suspend the writ of habeas corpus? Can any person imagine the United States are in danger, after this declaration of the President, who unquestionably possesses more correct information than any other person can be supposed to have. In another part of the Message, we are informed—

> "That the persons arrested at New Orleans have been embarked for some of the Atlantic ports, probably on the consideration that an impartial trial could not be expected during the present agitations of New Orleans, and that that city was not as yet a safe place of confinement. As soon as these persons shall arrive, they will be delivered to the custody of the law, and left to such course of trial, both as to place and process, as its functionaries may direct; the presence of the highest judicial authorities to be assembled at this place within a few days, the means of pursuing a sounder course of proceedings here than elsewhere, and the Executive means, should the judges have occasion to use them, render it equally desirable, for the criminals as for the public, that being already removed from the place where they were apprehended, the first regular arrest should take place here, and the course of proceedings receive here its proper direction."

The President evidently holds out the idea, that the correct and proper mode of proceeding can be had under the existing laws of the United States. These persons may be transferred from the military to the civil authority, and be proceeded against according to law. Those, therefore, who fear the escape of the traitors already apprehended, and would, by this measure, obviate the difficulty, must perceive that consequence would not ensue. Mr. B. said, he should consider the suspension of the habeas corpus as holding out an idea of danger and alarm, which was highly improper, inasmuch as it did not exist. It is true, this conspiracy was once formidable, extensive, and threatening; but it has been dissipated by the vigilance of Government. He would ask gentlemen, if they seriously believed the danger sufficiently great to justify the suspension of this most important right of the citizen, to proclaim the country in peril, and to adopt a measure so pregnant with mischief, by which the innocent and guilty will be involved in one common destruction? He said this was not the first instance of the kind since the formation of the Federal Government; there had been already two insurrections in the United States, both of which had defied the authority of Congress, and menaced the Union with dissolution. Notwithstanding one of them justified the calling out of fifteen thousand men, and the expenditure of one million of dollars, he had not heard of a proposition to suspend the writ of habeas corpus. What, then, will be said of us, if now, when the danger is over, firm in the attachment of the people to the Union, with ample resources to encounter any difficulties which may occur, we resort to a measure so harsh in its nature, oppressive in its operation, and ruinous as a precedent? While, in former times, it was thought unsafe to suspend this most important and valuable part of the Constitution, he would ask, whether the necessity at the present time could be considered greater? With regard to those persons who may be implicated in the conspiracy, if the writ of habeas corpus be not suspended, what will be the consequence? When apprehended, they will be brought before a court of justice, who will decide whether there is any evidence that will justify their commitment for farther prosecution. From the communication of the Executive, it appeared there was sufficient evidence to authorize their commitment. Several months would elapse before their final trial, which would give time to collect evidence, and if this shall be sufficient, they will not fail to receive the punishment merited by their crimes, and inflicted by the laws of their country.

Mr. B. said, he could conceive no injury that would result on this score; and, indeed, if some persons should elude justice, it would not endanger society so materially as to come within the terms of the Constitution. He observed, it appeared to him the commencement of an insurrection was the only time when the writ of habeas corpus ought to be suspended; when the seizure of the ringleaders, by dismaying the inferior agents, would enable the Government, without the effusion of blood, to suppress it. But it was manifest that, at this moment, everything intended by the conspirators was effected, or they were in the hands of the civil authority; there was, therefore, no good reason to take this precautionary step with that view; while, on the one hand, it would unavoidably produce unnecessary alarm, and much inconvenience to the citizens of the United States. Nothing but the most imperious necessity would excuse us in confining to the Executive, or any person under him, the power of seizing and confining a citizen, upon bare suspicion, for three months, without responsibility, for the abuse of such unlimited discretion. Mr. B. said, he could judge from what he had already seen, that men, who are perfectly innocent, would be doomed to feel the severity of confinement, and undergo the infamy of the dungeon. What reparation can be made to those who shall thus suffer? The people of the United States would have just reason to reproach their representatives with wantonly sacrificing their dearest interests, when, from the facts presented to this House, it seems the country was perfectly safe, and the conspiracy nearly annihilated. Under these circumstances, there can be no apology for suspending the privilege of the writ of habeas corpus, and violating the Constitution, which declares "the writ of ha-'beus corpus shall not be suspended, unless when, 'in cases of invasion or rebellion, the public safety 'may require it."

Mr. B. said he hoped he had shown that, admitting the two cases specified in the Constitution existed, they were not accompanied with such symptoms of calamity as rendered the passage of the bill expedient.

What, in another point of light, would be the effect of passing such a law? Would it not establish a dangerous precedent? A corrupt and vicious Administration, under the sanction and example of this law, might harass and destroy the best men of the country. It would only be necessary to excite artificial commotions, circulate exaggerated rumors of danger, and then follows the repetition of this law, by which every obnoxious person, however honest, is surrendered to the vindictive resentment of the Government. It will not be a sufficient answer, that this power will not be abused by the President of the United States. He, Mr. B. believed, would not abuse it, but it would be impossible to restrain all those who are under him. Besides, he would not consent to advocate a principle, bad, in itself, because it will not, probably, be abused. For these reasons, Mr. B. said, he should vote to reject the bill.

Mr. ELLIOT said, that he regretted the motion to reject the bill had been made, because, considering the subject of very great importance, he thought it most proper that it should take the usual course of business; that the bill should be read a second time, and referred to a Committee of the Whole, for the purposes of deliberation and discussion.

Called upon, however, said Mr. E., to answer to the question, Shall the bill be rejected? I must answer that question in the affirmative, as I should deem it my duty to advocate its rejection, in any form which it might assume, and in any stage of its progress; and I deem it equally my duty, on the present occasion, to express my sentiments upon the subject. It is, indeed, difficult for me, consistently, with the sincere and high respect which I entertain for the source from whence this measure originated, to express, in decorous terms, the hostility which I feel to the proposition. I am therefore disposed to consider it as an original proposition here; as a motion in this body to suspend, for a limited time, the privileges attached to the writ of habeas corpus. And, in this point of view, I am prepared to say that it is the most extraordinary proposition that has ever been presented for our consideration and adoption. Sir, what is the language of our Constitution upon this subject? "The privilege of the writ of ha-'beas corpus shall not be suspended, except when, 'in cases of invasion or rebellion, the public safety shall require it." Have we a right to suspend it in any and every case of invasion and rebellion? So far from it, that we are under a Constitutional interdiction to act, unless the existing invasion or rebellion, in our sober judgment, threatens the first principles of the national compact, and the Constitution itself. In other words, we can only act, in this case, with a view to national self-preservation. We can suspend the writ of habeas corpus only in a case of extreme emergency; that alone is *salus populi* which will justify this *lex* *suprema.* And is this a crisis of such awful moment? Is it necessary, at this time, to constitute a dictatorship, to save the people from themselves, and to take care that the Republic shall receive no detriment? What is the proposition? To create a single Dictator, as in ancient Rome, in whom all power shall be vested for a time? No; to create one great Dictator, and a multitude, an army of subaltern and petty despots; to invest, not only the President of the United States, but the Governors of States and Territories, and, indeed, all persons deriving civil or military authority from the supreme Executive, with unlimited and irresponsible power over the personal liberty of your citizens. Is this one of those great crises that require a suspension, a temporary prostration of the Constitution itself? Does the stately superstructure of our Republic thus tremble to its centre, and totter towards its fall? Common sense must give a negative answer to these questions. What are the facts? Is it, indeed, a case of rebellion? We are officially informed that rebellion has reared its hydra front in the peaceful valleys of the West. But we are also informed by the Executive that treason has no prospect of success; that "the fugitives from the Ohio, and 'their associates from Cumberland, cannot threaten serious danger even to the city of New Orleans." Not a single city, still less a Territory or a State, is considered in danger; and the Executive, not only possesses all the information which has been communicated to us, but much more, for we are informed that the communication has been made under the reservation contained in the resolution requesting it, and of course all the facts in the knowledge of the Executive, which are decided to be improper for disclosure at this time, have been kept back. And the Executive, possessing all this information, assures us that the public safety is not endangered. Can we, under these circumstances, consent to the investiture of dictatorial powers in that department of the Government which thus assures us that all is safe? It would be contrary to the spirit of the Constitution.

But we shall be told that the Constitution has contemplated cases of this kind, and, in reference to them, invested us with unlimited discretion. When any gentleman shall advance such a position, we, who advocate the rejection of the bill, will meet him upon that ground, and put the point at issue. We contend that the framers of the Constitution never contemplated the exercise of such a power, under circumstances like the present; and that the Constitution itself, instead of authorizing, has prohibited such discretion, unless in an extreme case. And can any member lay his hand upon his heart and say, that the present is a case of that description? He who cannot do this must, with us, consider the proposed measure as unconstitutional.

Let us pay a little attention to the nature and character of the writ of habeas corpus. It has its origin in Great Britain, and is there considered in two great points of view, as it respects the Monarch, and as it respects the subject. As it respects the Monarch, it is one of the *jura prerogativa*, a writ of prerogative; but it is not considered as calculated to increase the power of the King, or the splendor of the throne; in its origin and true character it is viewed as a prerogative, exercised by the King, or those authorities to whom his judicial powers are supposed to be delegated, only for the purpose of securing the Constitutional rights of the subject, and restraining the invasion of those rights. As it respects the subject, it is a writ of right, and is emphatically called, by English writers, a writ of liberty.

By the provisions of the famous statute of Charles II., which has even been called a second *magna charta*, its privileges are guarantied to all British subjects at all times. An eminent English author, and the most popular writer upon subjects of legal science, considers its suspension as the suspension of liberty itself; declares that the measure ought never to be resorted to but in cases of extreme emergency; and says that the nation then parts with its freedom for a short and limited time, only to resume and secure it forever. Hence, he compares the suspension of the habeas corpus act in Great Britain to the dictatorship of the Roman Republic.

But objectionable as the bill upon the table is in point of principle, it is, if possible, still more objectionable in point of detail. It invests with the power of violating the first principles of civil and political liberty, not only the supreme Executive, and the Executives of individual States and Territories, but all civil and military officers who may derive any authority whatever from the Chief Magistrate. And it extends the operation of the suspension of the privileges of the habeas corpus, not only to persons guilty or suspected of treason, or misprision of treason, but, to those who may be accused of any other crime or misdemeanor, tending to endanger the "peace, safety, or neutrality," of the United States! What a vast and almost illimitable field of power is here opened, in which Executive discretion may wander at large and uncontrolled! A vast and dangerous scene of power, indeed! It gives the power of dispensing with the ordinary operation of the laws to a host of those *little great men*, who are attached to every Government under heaven. I wish not to reflect upon any of those subordinate officers who may be employed by the Government of my country.

But no one will doubt that, in times of alarm and danger, many men will be clothed with the functions of office, who are incompetent to the discreet exercise of such boundless discretion. I can never wish to see such persons invested with the means of aiming at the heads of their private enemies, or other innocent and unoffending citizens, the thunderbolts of public indignation, or scorching them with the lightning of public suspicion—says the poet:

"Could great men thunder, Jove would ne'er be quiet,
For every petty pelting officer
Would use his heaven for thunder."

Let us again ask for evidence of the necessity of this measure? Certainly none can be produced, for we are informed, from the first authority, that if the present be not a time of profound peace, it is far from being a period of public danger. The leader of this petty rebellion has been called the modern Catiline. Undoubtedly, he possesses many of the qualities which a celebrated ancient historian ascribes to the Catiline of Rome: his genius, his address, his activity, his profligacy; but he is destitute of his means and resources. He wants that power of doing mischief, which the Roman conspirator possessed. So far is he from being able to make war upon his country, that he cannot take possession of a single city. He is rapidly hastening to the same fate, although he may not meet it in the same manner. Already is he "damn'd to everlasting fame," or rather, damned to everlasting infamy. Already is he a fugitive. Already a price is set upon his head. In the papers of this morning, we see that the Governor of Orleans has offered a reward for his apprehension. We cannot but detest the traitor, but we can have no fears of the consequences of the treason.

Mr. E. concluded, by expressing a hope that the bill would meet a decided vote of rejection.

Mr. EPPES.—When I feel a decided hostility to a principle, it is not material to me in what form I meet it. Decidedly opposed to the principle of this bill, I shall vote against it in all its stages, and cannot but hope that the motion of my colleague to reject it will prevail. By this bill, we are called upon to exercise one of the most important powers vested in Congress by the Constitution of the United States. A power which suspends the personal rights of your citizens, which places their liberty wholly under the will, not of the Executive Magistrate only, but of his inferior officers. Of the importance of this power, of the caution which ought to be employed in its exercise, the words of the Constitution afford irresistible evidence. The words of the Constitution are: "The privilege of the writ of habeas corpus 'shall not be suspended, unless when, in cases of 'rebellion or invasion, the public safety may re- 'quire it." The wording of this clause of the Constitution deserves peculiar attention. It is not in every case of invasion, nor in every case of rebellion, that the exercise of this power by Congress can be justified under the words of the Constitution. The words of the Constitution confine the exercise of this power exclusively to cases of rebellion or invasion, where the public safety requires it. In carrying into effect most of the important powers of Congress, something is left for the exercise of its discretion. We raise armies when, in our opinion, armies are necessary. We may call forth the militia to suppress insurrection or repel invasion, when we consider this measure necessary. But we can only suspend the privilege of the habeas corpus, "when, in cases of rebellion or invasion, the public safety requires it." Well, indeed, may this caution have been used as to the exercise of this important power. It is in a free country the most tremendous power which can be placed in the hands of a legislative body. It suspends, at once, the chartered rights of the community, and places even those who pass the act under military despotism. The Constitution, however, having vested this power in Congress, and a branch of the Legislature having thought its exercise necessary, it remains for us to inquire whether the present situation of our country authorizes, on our part, a resort to this extraordinary measure.

The inquiry is confined within very narrow limits. The power can only be exercised under the Constitution, "when, in cases of rebellion or invasion, the public safety may require it." Our country is not invaded. We have only, therefore, to inquire whether there exists in this country a rebellion, and whether the public safety requires a suspension of the habeas corpus. Of the existence of the rebellion or combination against the authority of the United States there can be no doubt, as we have on our table a detailed account of its origin and progress. I shall confine my observations solely to the latter part; whether the public safety requires a suspension of the habeas corpus for its suppression. In the communication now on our table, from the Executive, we have been informed that the militia of Ohio, Kentucky, and Tennessee, and of the Mississippi and Orleans Territories, have been ordered out. That General Wilkinson was at Orleans, on the 10th of December, with his troops from the Sabine, which from other information we know to consist of one thousand effective men. These are resources of the nation now in active operation. What is the force of the conspirators? By the same documents, we are informed that "some boats, ac- 'counts vary from five to double or treble that num- 'ber, and persons, differently estimated from one to 'three hundred, had passed the falls of the Ohio to 'rendezvous at the mouth of Cumberland river, 'with others expected down that river." From the same document it appears that the force which comes down Cumberland river amounts to two boats, in one of which is Aaron Burr. From this statement, it appears that the largest calculation as to the actual force of the conspirators, is three hundred. But when we know the propensity of human nature to magnify accounts of this kind, we may fairly infer that the whole force does not exceed one hundred and fifty men. To oppose which, we have one thousand regular troops, and the militia of Ohio, Kentucky, and Tennessee, and of the Mississippi and Orleans Territories. Is there a man present who believes, on this statement, that the public safety requires a suspension of the habeas corpus? This Government has now been in operation thirty years; during this whole period, our political charter, whatever it may have sustained, has never been suspended. Never, under this Government, has personal liberty been held at the will of a single individual. Shall we, in the full tide of prosperity, possessed of the confidence of the nation, with a revenue of fifteen millions of dollars, and six hundred thousand freemen, able and ready to bear arms in defence of their country, believe its safety endangered by a collection of men which the militia of any one county in our country would be amply sufficient to subdue? Shall we, sir, suspend the chartered rights of the community for the suppression of a few desperadoes; of a small banditti already surrounded by your troops; pressed from above by your militia; met below by your regulars, and without a chance of escape, but by abandoning their boats, and seeking safety in the woods? I consider the means at present in operation amply sufficient for the suppression of this combination. If additional means were necessary, I should be willing to vote as many additional bayonets as shall be necessary for every traitor. I cannot, however bring myself to believe that this country is placed in such a dreadful situation as to authorize me to suspend the personal rights of the citizen, and to give him, in lieu of a free Constitution, the Executive will for his charter. I consider the provision in the Constitution for suspending the habeas corpus as designed only for occasions of great national danger. Like the power of creating a Dictator in ancient Rome, it prostrates the rights of your citizens and endangers public liberty. Like that it may, on some very extraordinary occasions, prove salutary, but like that, it ought never to be resorted to, but in cases of absolute necessity; or, to use the emphatic language of the Constitution, "when the public safety requires it." Believing that the public safety is not endangered, and that the discussion of this question is calculated to alarm the public mind at a time when no real danger exists, I shall vote for the rejection of the bill in its present stage.

Mr. Varnum said, if he was of opinion with the gentlemen from Vermont and Virginia, he should vote for the rejection of this bill; but he entertained a different opinion, and, unless he heard something to change it, he should vote differently from them. He did not believe the Constitution restricted the power of the Government to suspend the privilege of the habeas corpus in cases where the country was shaken to its centre. There were no expressions in it to justify this inference. Its terms are: "The privilege of the 'writ of habeas corpus shall not be suspended, except when, in cases of invasion or rebellion, the public safety shall require it." Will gentlemen deny that there exists in the United States at present a rebellion? I presume not, said Mr. V., it is too notorious to admit of doubt. Will they deny that the conspiracy has been formed with deliberation, and has existed for a long time? Is it not evident that it has become very extensive? If, then, this is the case, and the head of the conspiracy has said that he is aided by a foreign Power; if this is true, are we justified in considering the country in a perfect state of safety, until it is brought to a close? I conceive not. I consider the country, in a degree, in a state of insecurity; and if so, the power is vested in the Congress of the United States, under the Constitution, to suspend the writ of habeas corpus. I am also apprehensive that we shall not be able to trace the conspiracy to its source without such a suspension. We have had an instance in which the head of the conspiracy has been brought before a court of justice, and where nothing has been brought against him. It is not my wish to insinuate that any court or public functionary is contemplated by this conspiracy; yet it is possible that this may be the case, and the very existence of the country may depend on tracing it to its source. I am not disposed to advocate sanguinary punishments, but I think they ought to be exemplary in regard to the chiefs of the conspiracy; for which purpose we ought to adopt those measures which will lead to a full discovery of those concerned in it. I am sensible that the Government of the United States has not hitherto resorted to this measure; but I know a particular State of the Union who did consider the measure necessary, in the case of an insurrection which occurred within her limits; and I think it very doubtful whether that insurrection would have so happily closed, if it had not been for her suspension of the writ of habeas corpus. Have we had any insurrection or rebellion in the United States like this? We have had one insurrection in Massachusetts, but whence did it arise? Not from a design to subvert the Government, but from the burden of taxes; taxes which, perhaps, exceeded those laid in any country since the formation of society. I do not mean, by these observations, by any means to justify that insurrection, and, I believe, from the circumstances with which I am acquainted, that the insurrection which took place in Pennsylvania did not go to the subversion of the Government. But let us look at this conspiracy. While the nation, from one extreme to the other, enjoys a degree of prosperity and happiness unparalleled in any other nation, and not a single individual within our limits has any reason to complain of oppression, an insurrection is fomented, subversive of the Government and destructive of the rights of the people. It appears to me that this insurrection is the most aggravating of all insurrections which history gives us an account of. There is not the least oppression or the least pressure of circumstances to induce any individual to rise up against the Government of this country; and it consequently betrays the greatest turpitude of mind in those who either lead or unite in it. For these reasons, I think it ought to be traced to its source, and I think it very doubtful whether this can be effected without, in the first instance, suspending the habeas corpus. Will gentlemen say that any innocent man will have a finger laid upon him, should this law pass? No; there is no probability of it; it is scarcely possible. But, even if it be possible, if the public good requires the suspension of the privilege, every man attached to the Government and to the liberty he enjoys, will be surely willing to submit to this inconvenience for a time, in order to secure the public happiness. The suspension only applies to particular crimes, the liberties of the people will not therefore be touched. I do think a great responsibility will rest on this branch of the Legislature, in case they refuse to pass this act. Suppose the head of this conspiracy shall be taken in a district of country where no evidence exists of the crime charged to him, and he shall consequently be set at liberty by the tribunals of justice; where will the responsibility rest, but upon this branch of the Legislature?

It is too great for me, as an individual member, to bear. I shall, therefore, vote for this bill, under the impression that it will not have the injurious effects that some gentlemen seem to apprehend; and that it will only more effectually consign the guilty into the hands of justice.

Mr. R. **NELSON.**—As the motion to reject the bill meets my most hearty approbation, and as I consider it involving a great national question, I cannot reconcile it to my duty to give a silent vote on it. I shall, however, in order to avoid an unnecessary consumption of the time of the House, offer my remarks in as concise a compass as possible. I shall first consider the nature of the writ of habeas corpus; afterwards examine its effects, not only on the individual, but on the community at large; taking into view the mode of proceeding under it, to show, as I conceive, that no danger can ensue, on the refusal to pass this bill.

What is a writ of habeas corpus? It is a writ directing a certain person in custody to be brought before a tribunal of justice, to inquire into the legality of his confinement. If the judge is of opinion that the confinement is illegal, the person will of course be discharged; if, on the contrary, from the evidence, he shall be of opinion that there is sufficient grounds to suspect that he is guilty of offence, he will not be discharged. Now, to me, it appears that this is a proper and necessary power to be vested in our judges, and that a suspension of the writ of habeas corpos is, in all cases, improper. If a man is taken up, and is denied an examination before a judge or a court, he may, although innocent, in this case, continue to suffer confinement. This, in my opinion, is dangerous to the liberty of the citizen. He may be taken up on vague suspicion, and may not have his case examined for months, or even for years. Would not this bear hard upon the rights of the citizen?

Let us turn over a leaf, and see how the Government stands. If the person accused is legally committed, or if it shall be proved that he has committed any offence, the judge will say that he shall not be released. If he has committed an offence, there can be no grounds for this suspicion, because, without such suspension, he will not be discharged, because it does not follow that, inasmuch as a man has a right to demand that he be brought before a judge by a writ of habeas corpus, he shall therefore be discharged. He is only bound to examine him, and if he finds there is strong reason to believe he has committed a crime, he may remand him to confinement.

This is a writ of right, which ought to exist under all Governments on earth. What right? The right of being examined by the tribunals of his country, to determine whether there is any ground for the deprivation of his liberty. Is this a right which ought to be suspended merely to gratify the apprehensions of gentlemen? I think not. The framers of the Constitution have said, "the privilege of the writ of habeas corpus shall 'not be suspended, except when, in cases of invasion or rebellion, the public safety shall require 'it." Well, but, says the gentleman from Massachusetts, can any one deny that this is a rebellion? It may perhaps be, but I think it does not deserve the name of a rebellion; it is a little, petty, trifling, contemptible thing, led on by a deperate man, at the head of a few desperate followers: a thing which might have been dangerous, if the virtue of the people had not arrested and destroyed it. But admit that it is a rebellion; will every rebellion justify a suspension of the writ of habeas corpus? The Constitution says, "the privilege of the writ 'of habeas corpus shall not be suspended, except 'when, in cases of invasion or rebellion, the public 'safety shall require it." Does, then, the public safety require this suspension? Does the Constitution justify it? And, under present circumstances, confining a man in prison without a cause. There is no danger, the enemy is not at our door; there is no invasion; and yet we are called upon to suspend the writ of habeas corpus. This precedent, let me tell gentlemen, may be a ruinous, may be a most damnable precedent—a precedent which, hereafter, may be most flagrantly abused. The Executive may wish to make use of more energetic measures than the established laws of the land enable him to do; he will resort to this as a precedent, and this important privilege will be suspended at the smallest appearance of danger. The effect will be, that whenever a man is at the head of our affairs, who wishes to oppress or wreak his vengeance on those who are opposed to him, he will fly to this as a precedent; it will truly be a precedent fraught with the greatest danger; a precedent which ought not to be set, except in a case of the greatest necessity; indeed, I can hardly contemplate a case in which, in my opinion, it can be necessary.

In my opinion, this is a measure which ought never to be proposed, unless when the country is so corrupt that we cannot even trust the judges themselves. This, I consider the cause of the frequent suspension of this privilege in England. Whenever the whole mass of society becomes contaminated, and the officers of the judicial court are so far corrupted as to countenance rebellion, and release rebels from their confinement, it may be then time to say, they shall no longer remain in your hands; we will take them from you. But I apprehend there is no such danger here, and I repeat it, we are at once creating one of the most dangerous precedents, and passing one of the most unjust acts that was ever proposed.

Mr. **SLOAN.**—At the same time that I express my purpose to vote on the same side with the gentleman from Maryland, I shall take the liberty of assigning very different reasons for my vote from those offered by him. The gentleman from Virginia has mentioned two preceding insurrections, which he considers of much greater magnitude than this. I am of a different opinion. Compared to this, I consider them as only a drop to the bucket. For a moment, let me ask the attention of gentlemen to those insurrections, or as I think they might, with more correctness, be termed, oppositions to Government. In consequence of certain citizens thinking themselves aggrieved by certain acts, in which they have been, in some measure, justified by their subsequent repeal, a handful of people raised in opposition to their execution. What analogy do those oppositions bear to this rebellion? I consider the late or present conspiracy to be of greater magnitude than any we know of in history. Under what authority has it been created? Under that of a man of great abilities and experience, who states that he expects encouragement from foreign nations. I do not pretend to say that this is a fact; but what has he done? Has he not drawn resources from every part of the Union? I, therefore, consider it of great magnitude, and it is certainly excited against the best Government on earth, under which the people enjoy the greatest happiness. I shall, however, vote against the bill, under the belief that we may confidently rely on the love and affection of the people for their Government, to which we are already probably indebted for its suppression. Had this measure been brought forward a month or six weeks ago, I should have voted for it.

Mr. Bidwell said, although he was not satisfied of the necessity of passing this bill, he was not prepared to reject it, in its present stage. As it had received the sanction of the Senate, he was disposed to treat it as a subject worthy of discussion and deliberation, by referring it, in the usual course, to a Committee of the whole House.

Before the passing of any bill of this nature, the House ought to have satisfactory proof that a rebellion in fact existed (for there was no pretence of an invasion) and that the public safety required a suspension of the privilege of habeas corpus. By the terms of the Constitution, both of these pre-requisites must concur, to authorize the measure. The first inquiry would naturally turn upon the existence of a rebellion. On that point he had no doubt. To constitute a rebellion, in the sense of the Constitution, he did not think it necessary that a battle should have been fought, or even a single gun fired. If troops were enlisted, assembled, organized, and armed, for the purpose of effecting a treasonable object, it amounted to actual rebellion. Such was the existing state of things. The public notoriety of the fact was, perhaps, sufficient evidence for the Legislature to act upon, if necessary; but they had also the official statement of the President to that effect. He had, therefore, no doubt of the existence of a rebellion, and that, too, of a more wanton and malignant character than any insurrection which had heretofore been raised against our Government; for it had not been occasioned by any grievances, real or imaginary, but must have originated in motives of personal ambition or some more unworthy passion.

An existing rebellion, however, even of this aggravated description, was not alone sufficient to justify a suspension of the writ of habeas corpus. To bring it within Constitutional justification, it must be required by the public safety. That was a matter of opinion, rather than of fact. He was convinced that the proposed suspension was not requisite for the purpose of suppressing the conspiracy; for by the vigilance and energy of our Executive Government, seconded and supported by the exertions of particular States and Territories and the army, this deep laid conspiracy was already in a good measure suppressed, and he trusted the means now in operation would complete the suppression. A suspension of the habeas corpus could not be necessary, except for the detection and conviction of the conspirators. A thorough investigation ought undoubtedly to be made. If any persons, concerned in the conspiracy, were arrested in situations which precluded an immediate production of such evidence, as would warrant their confinement, justice would require that they should be detained until the proper evidence could be procured; but in the mean time they might be discharged by virtue of a habeas corpus; for, though he agreed with the gentleman from Maryland (Mr. Nelson) in the importance and utility of this writ, he could not subscribe to the doctrine which he understood that gentleman to maintain, that it would entitle a person to a discharge only for causes of irregularity in the arrest. Want of legal evidence to show, by oath or affirmation, probable cause for detention, would be a ground of discharge. In ordinary cases, indeed, the release and escape of a guilty person, for such want of evidence, was esteemed a smaller evil, than a denial of the common privilege. If it were so, in respect to this conspiracy, there was, in his opinion, no good reason for passing this bill. That was a point, which appeared to him worthy of some deliberation.

It had been mentioned, in the debate, that in the whole history of our Government, notwithstanding two insurrections, the habeas corpus had, in no instance, been suspended. It was true. But an instance had been cited from one of the States. During the insurrection in Massachusetts there was such a suspension, in pursuance of a Constitutional provision; and it was generally acknowledged to have been a necessary and salutary measure. He had never understood that it was abused, or that it was considered by the people of that State a dangerous example. It was justified by the occasion. But it did not, therefore, follow that a similar suspension would be justifiable on this occasion. That must depend on the present state and circumstances of the nation. Although a rebellion existed, he was not satisfied that the public safety required so strong and severe a measure. But, as it was an important question, on which the House had not yet taken time to deliberate, he was willing that the bill should go, according to the usual course of proceeding, to a Committee of the Whole; and therefore, he should not give his vote for rejecting it in the present state.

Mr. J. Randolph.—I shall give my vote in a very different manner from the gentleman who has just sat down. I was extremely happy to witness the very prompt and decided opposition this measure received in the House, and from the quarter whence that opposition originated; and I subscribe with great pleasure to the sound Constitutional doctrine, which the gentleman from Pennsylvania advanced this morning before our doors were opened. We are now told that to reject this bill at its first reading, will be to depart from the usual course of proceeding in this House, and an attempt is made to enlist the feelings of members so far at least as to permit the bill to progress one step farther, that we may avoid violating that decorum which ought to be observed between the two Houses. I do not, however, consider the subject in this light. I conceive, on the contrary, it is as competent to us to reject the bill on its first as on any other reading. I well recollect that about eight years ago an important bill was smuggled through the House by this fastidious mode of proceeding. Gentlemen were allured from their honest opinions, and finally, by finesse and management, the bill was carried through the House. I understand that this course is pursued by the other branch of the Legislature on bills carried from this House; and I believe it will be found that with regard to the passage of bills between the two Houses, the course of procedure on the part of this House is more liberal than that pursued by the other. For I do not recollect a single instance in which the vote of a single member can stop the passage of a bill in this House received from the other branch of the Legislature. I, therefore, feel no scruples on this score. I think it just as well to say, that we will permit this bill to pass to a second or third reading, as to say that though we are opposed to the principle contained in a resolution which may originate in this House, we nevertheless permit a committee to bring in a bill to carry it into effect, because we may destroy the bill at its last stage. This appears to be a strange course of reasoning. It is like permitting yourselves to be bound in chains that you may be loosed again, or going into prison that you may afterwards come out. Gentlemen talk of the propriety of discussing this subject, but when a subject is so clear that every man has made up his mind upon it, where is the need of discussion? If it is not so clear, will any gentleman say that the discussion now had, in which every member has a right to speak twice, which is once more in my opinion than is necessary, will not be sufficient to develop all the merits and demerits of the bill? Will gentlemen undertake to say, if every member shall give the mature, or as it may be, crude, suggestions of his mind, that the subject will not be sufficiently discussed, and lead to the formation of a correct judgment? I believe it will. And therefore, on this ground, a bill may as well be decided in its present stage as before a Committee of the Whole.

Some gentlemen, to whom I have listened with considerable gratification, tell us that, out of respect to the other branch, we ought not at this time to reject the bill. I however, feel no such respect on this occasion, and shall express none. On the contrary, I am free to declare, that when a measure, tending to impose a burden on the people, or to detract from the privileges of the citizen, comes from that quarter, I shall always view it with jealousy. The inequality of the representation in that branch, the long tenure of office, and the custom with which they are so familiar of conducting their proceedings in conclave, (the House will recollect how long it was after the adoption of the Constitution before the public could get admission into their twopenny gallery,) render all their proceedings, touching the public burdens, or the liberties of the people, highly suspicious. And to say the truth, I am not at all surprised that they did close their doors on this occasion, that they might not be under the inspection of the public eye, while they were passing the bill on the table. I say so, because I am willing to abide by the good old principle of judging all men by myself, and if I had introduced such a bill, I should have been glad my name did not appear on the journals, that the public might not know to whom they were indebted for such a precedent.

I have another objection to the bill, besides that of the quarter from which it originated, or the manner in which it has been presented to the House. It appears to my mind like an oblique attempt to cover a certain departure from an established law of the land, and a certain violation of the Constitution of the United States, which we are told have been committed in this country. Sir, recollect that Congress met on the first of December, that the President had information of the incipient stage of this conspiracy about the last of September—that the proclamation issued before Congress met, and yet that no suggestion, either from the Executive or from either branch of the Legislature, has transpired touching the propriety of suspending the writ of habeas corpus until this violation has taken place. I will never agree in this side-way to cover up such a violation, by a proceeding highly dangerous to the liberty of the country, or to agree that this invaluable privilege shall be suspended, because it has been already violated, and suspended, too, after the cause, if any there was, for it has ceased to exist. No, I wish to be true to those principles which I have constantly maintained, and, God willing, ever will maintain so long as I have a seat on this floor, or have life. It has heretofore been the glory of those with whom I have acted, that in all our battles we have combatted for the principles of the Constitution and the laws of our country, in the persons of those in which they have been attempted to be violated, however infamous and contemptible. When those principles were prostrated under the Sedition law, what did we say? That the character of the man accused could not change the laws of the land, or impair his rights—that we would support the Constitutional rights of the citizen, in the person of the meanest reptile, as well as in the persons of those who occupy the highest stations in society. We have done so—let us continue to do so, regardless of popular clamor or odium, and we shall still continue to find ourselves on true ground. We never inquired what kind of a man Callender was—we said, such is the law and the Constitution; let justice take its course. I could quote other examples equally strong, but in deference to the feelings of the House I shall desist from doing it.

I beg pardon for detaining the House so long. I will however, endeavor to express the remaining ideas I have to offer in a few words. There is another consideration which renders this bill highly objectionable. I consider the case as now at issue, whether the United States is under a military or civil government, or, in other words, whether the military government is subject to the civil power, or the civil authority to the military. I conceive that a case has occurred, in which the military has not only usurped the civil authority, but in which it has usurped nothing short of omnipotent power; and I consider this bill as calculated to give a softening and smoothing over to this usurpation; and on this ground I cannot assent to it. Suppose this bill either to pass or not to pass, what has been the practice under the Constitution? By the expression under the Constitution, I do not mean conformably to it. Men have been taken up by a military tribunal, and have been transported contrary to law. I say transported, for if a man can be transported from the district where the offence with which he is charged was committed, he may also be deported to Cayenne, or transported to Botany Bay. And even you yourself, (addressing the Speaker) if such acts be sanctioned by this bill, in your passage from this House to your lodgings, may be arrested, put on board a vessel and carried whithersoever the military authority may choose. To this I will never give my consent. It has been very well remarked by my colleague, that this is not the first case in which an insurrection has occurred in the United States, but that it is the first case in which an attempt has been made to suspend the precious privilege of the writ of habeas corpus.

I put it to any man, whether, now that we have received information of the extent of this conspiracy, and when we find that Catiline, Cethegus, and Lentulus, have not as many brother conspirators as themselves, this conspiracy is equal to that in Pennsylvania in 1794 or 1795? In physical force it is not comparable to it, however in intellectual talent it may be. I conceive then that according to the Constitution of the United States, there is but one case in which the writ of habeas corpus can be suspended, and I should not go into this view of the subject, if it had not been misstated by all those who have preceded me in the debate. My view of the subject is this—that this privilege can only be suspended in cases, in which, not merely the public safety requires it, but that the case of the public safety requiring it, must be united with actual invasion or actual rebellion. Now, with whatever epithets gentlemen may dignify this conspiracy, I am not even of the opinion of the gentleman from Maryland (Mr. R. NELSON)—I think it nothing more nor less than an intrigue—and I am happy that I can declare on the honor, not of a soldier, but of a citizen, that I believe it to be a foreign intrigue, availing itself of domestic materials for answering its purposes, and poor indeed must be the soil of this, or of any other state of society, which, would not furnish such materials.

A gentleman from Massachusetts has stated to the House that the organization and administration of the Government, at this time, forbids the apprehension of any abuse being made of the powers delegated under this law. Surely, sir, the gentleman could not mean to urge this as anything new. He must have known, if he had consulted history—as doubtless he has—that the king *de facto* and the administration *de facto*, are always above suspicion. That there never was a proposition brought forward, that did not find a majority ready to say, There is, surely, no danger of any improper use of this power in our time, for we are all honorable men, and we would not delegate it, if an improper use could be made of it; and that, if we reject a measure, we ought not to do it so much on account of ourselves, as on account of those who come after us. And what will those who come after us say of us? They will follow our example, and declare that the character of their forefathers was above every doubt and every suspicion. Now, for myself, I beg leave to be permitted to disclaim every argument of this kind. I do not, indeed, consider it fair to introduce such an argument. Let us take up the question on its own merits and demerits, without any allusion or reference to our own virtues, or the degeneracy of posterity. For myself, I have no hesitation in saying that I will not grant this power at any time, except under the most imperious necessity; and I say this without any disrespect to this honorable body, or to any of the public functionaries. Take man as he is, and in his best estate, you find him an animal prone to abuse and corruption. There does not exist a single constitution or law in the world, that does not enforce this salutary truth.

I shall consider this bill, if it passes, as establishing a new era in the Government. When I was a boy, I recollect to have consulted such chronological tables as I could get access to. I recollect to have read, that at a certain time, monarchy was abolished in Rome; a little while after, the first Dictator was named; then the second Dictator—and I believe, as in a case of apoplexy, she scarcely got over the third fit. I believe a suspension of the writ of habeas corpus might have, here, the same effect as the establishment of the first Dictatorship at Rome. In what situation would it place yourselves and the citizens of this country? It would leave them at the mercy, not merely of a justice of the peace, but at the mercy of every subaltern officer of the army and navy. I believe it would comport as much with the safety and interest of this Confederacy to give us power to send these people off, as to put this power in their hands. I believe we should be as trustworthy as they. And, let me ask, what compensation to an innocent man, to a man of honor and feeling, to a man of character, who should be tied neck and heels and sent off to New Orleans, and who should ultimately be proved to be innocent—I ask what compensation it would be to him to bring an action of damages? Against whom? A man without visible property? And what action? An action on the most mercenary principle. To be indemnified in his fame by dollars and cents. The injury would be irreparable. At present, all stand under the law. If any one offend, let him be brought under it. But, in this way, to put a man in an oyster boat, or skipper, and transport him to a distance from the place of his arrest, and then say he shall have a remedy, in case of his innocence, against an inferior officer, is absurd. If we pass such a bill, which God forbid! it should contain a large appropriation, and Government should be obliged to make good the injured party—to afford him redress. I say they should grant a large appropriation, for, it is not for men with epaulets and gold buttons to make reparation. If the bill passes, we are told it will be but temporary. Why, the Sedition law was but temporary; and I think, sir, (alluding to the Speaker) you were one of those who aided its passage—much against your will—by being present at the altar when it was more than once re-enacted. As to its three months' continuance, I consider that as one of the most objectionable features of the bill—as a bait to the trap; as the entering wedge. If it is made reconcilable to the interests and feelings of this House to pass it for three months, do you think we will then feel the same lively repugnance to it that we now do? No! It has been truly said, that no man became perfectly wicked at once; and it may be affirmed, with equal truth, that a nation is never enslaved at once. Men must be initiated by degrees, and their repugnance must be gradually overcome. Let me state a case. It is proposed to extend the time of service of the Executive Magistrate from four, to five, or eight years, or for life. If it be prolonged for a term, do you believe we shall stop at its expiration? No! Once extended for life, he will then claim the power to choose his successor, and the hereditary principle will follow. This is the old trick. Let me, however, tell gentlemen that old birds are not to be caught with chaff, though, unfortunately for them, the mass of mankind does not consist of old birds. Pass one other law, and I would quit the country. A twin brother to this same bill was introduced into the British Parliament in 1794; and that bill, to prevent seditious assemblies, was brought forward for about as good reasons as this. According to it, if four or five persons assembled, and refused, on the notice of a magistrate, to disperse, they were considered guilty of sedition, and were dispersed by force. These two bills form a complete tyranny—and tyranny of the most odious kind, because established under the mask of liberty. Was the tyranny of Robespierre less intolerable, oppressive, or odious, because inflicted in the name of the people, than a like tyranny in Turkey, under the Grand Seignior and his Muftis? Take one other thing along with you. These two fatal wounds, inflicted on the liberties of the English nation, were inflicted by the man who came forward in the character of a reformer—by the man who came forward as the advocate of a Parliamentary reform; from which circumstance he acquired that popularity which enabled him to inflict those deadly wounds on the liberty of his country.

Having said so much with regard to the principle, permit me to add one word on the details of the bill. There is a departure in it from the known, accustomed, and received language of the Constitution, in the use of the word "authority." The words are "warrant or authority." The expression is, in my opinion, too lax. Perhaps, we may be told, that the bill may be amended on the third reading. But my objection to the principle contained in it is such, that I will not consent to carry to a third reading that, which, under no amendment, can be rendered palatable to my taste. Mr. R. concluded by observing that he had so far exhausted himself that he was unable to go on.

Mr. SMILIE.—I shall not detain the House long by the remarks which I propose to make on this subject. I shall waive all observations on the mode of proceeding on this occasion—whether we shall reject the bill on its first, or suffer it to go to a second reading. The question is now put, and I am called upon to give my vote, either in the affirmative or negative. I, therefore, feel under a necessity to put my negative upon it. I consider this one of the most important subjects upon which we have been called to act. It is a question which is neither more nor less than, whether we shall exercise the only power with which we are clothed, to repeal an important part of the Constitution? It is in this case only, that we have power to repeal that instrument. A suspension of the privilege of the writ of habeas corpus is, in all respects, equivalent to repealing that essential part of the Constitution which secures that principle which has been called, in the country where it originated, the "palladium of personal liberty." If we recur to England, we shall find that the writ of habeas corpus in that country has been frequently suspended. But, under what circumstances? We find it was suspended in the year 1715, but what was the situation of the country at that time? It was invaded by the son of James II. There was a rebellion within the kingdom, and an army was organized. The same thing happened in the year 1745. On this occasion it was found necessary to suspend it. In latter times, when the Government had grown more corrupt, we have seen it suspended for an infinitely less cause. We have taken from the statute book of this country, this most valuable part of our Constitution. The convention who framed that instrument, believing that there might be cases when it would be necessary to vest a discretionary power in the Executive, have constituted the Legislature the judges of this necessity, and the only question now to be determined is, Does this necessity exist? There must either be in the country a rebellion or an invasion, before such an act can be passed. I really doubt whether either of these exist. I really doubt whether a single law of the United States has been, as yet, violated. I will not say this is the fact; but I do not know anything to prove the contrary. But, supposing that a rebellion does exist, we are then left at liberty to decide whether it is such an one as to endanger the peace of society to such a degree that no ordinary remedy will answer. If an ordinary remedy will not, it may be our duty to apply an extraordinary one. What is this mighty business? What is the opinion of the Executive as to its danger? Does he consider it dangerous? It is a little remarkable that, in every instance under the British Government, the proposition of such a measure originated with the Executive, while here, without any intimation of danger from the Executive, we propose, on our own suggestion, to suspend one of the most valuable privileges that is secured to the citizen. Let us attend to the communication of the President on this subject. He states that, according to his information, the persons concerned in the conspiracy depend on receiving two kinds of aid; foreign aid, and aid derived in their own country. After giving his opinion of the foreign aid expected, he says:

"On the whole, the fugitives from the Ohio, with their associates from Cumberland, or any other place in that quarter, cannot threaten serious danger to the city of New Orleans."

The President declares that, in his opinion, there is no danger to be apprehended. With regard to foreign force, he states his reasons for thinking there is no danger. As the Message is in the hands of every gentleman, there can be no necessity for me to read it. But, he explicitly declares, from the state of our relations with other nations, there can be no danger from that quarter. This being the deliberate opinion of the Executive Magistrate, who is more deeply responsible on this occasion than any other member of the Government, is it not most extraordinary that we should attempt to take steps which can only be justified in the last resort? Are gentlemen aware of the danger of this precedent? This is the first attempt ever made under the Government to suspend this law. If we suspend it when the Executive tells us there is no danger, on what occasion may it not be suspended? Let us suppose that it shall be suspended on this occasion, what will be its effect? Parties will probably forever continue to exist in this country. Let us suppose a predominant party to conjure up a plot to avenge themselves. Do not gentlemen see that the personal liberty of all their enemies would be endangered? I mention this to forewarn gentlemen of the dangerous ground before them. I do not say that our country may not, at some future day, be in such a situation as to justify such a suspension, but I have never yet seen her in such a situation, and, at this moment, I think it does not exist. When we see the great body of the people so firmly attached to their Government, ought we to be thus alarmed on beholding a few desperate and unprincipled men attempting to stir up an insurrection? There is another consideration which will induce me to give my hearty negative to this bill. If foreign nations see that we are obliged, under such circumstances, to suspend the writ of habeas corpus, will it not show that the Constitution is incapable of supporting itself, without the application of the most dangerous and extraordinary remedies?

Mr. Dana.—I understand that the question is, whether the bill shall be rejected on its first reading, without passing through the ordinary forms of proceeding. In such cases, the ordinary question is, Is there anything in the bill proper for the House to deliberate upon? If they are of opinion that it can be modified in such a way as to insure its passage, it ought to go to a Committee of the Whole. This was my opinion when the motion was first made to reject the bill. I was disposed to vote against the question, although the bill went to repeal the Constitution. I have been accustomed to view the privilege of the writ of habeas corpus as the most glorious invention of man. I was notwithstanding, however, from a respect to the other branch of the Legislature, disposed to investigate the subject—to examine whether there was any necessity for it. As, on the one hand, I was inclined to believe that the judgment of the Senate had, on this occasion, been tinged by a strong abhorrence of rebellion; so I was willing, on the other, to take time to guard myself against an equally strong feeling of abhorrence of dictators. But, on one principle, I cannot agree to consider this bill as a proper subject of investigation, for one moment. I perceive, on further examination of the bill, that the Senate have provided for its suspension, in cases where persons have been already presented. Had it been confined to future arrests, I might have agreed to deliberate on it, but viewing it in the light of an *ex post facto* law, I must give it my instantaneous negative. There is another principle, which appears to me highly objectionable. It authorizes the arrest of persons, not merely by the President, or other high officers, but by any person acting under him. I imagine this to be wholly without precedent. If treason was marching to force us from our seats, I would not agree to do this. I would not agree thus to destroy the fundamental principles of the Constitution, or to commit such an act, either of despotism or pusillanimity. Under this view of the subject, I am disposed to reject the bill, as containing a proposition on which I cannot deliberate.

The yeas and nays were then taken on the question, "Shall the bill be rejected?"—yeas 113, nays 19, as follows:

Yeas—Willis Alston, jr., Isaac Anderson, David Bard, Joseph Barker, Burwell Bassett, George M. Bedinger, Silas Betton, William W. Bibb, Phanuel Bishop, John Blake, jr., Thomas Blount, James M. Broom, Robert Brown, John Boyle, William A. Burwell, William Butler, George W. Campbell, John Campbell, Martin Chittenden, John Claiborne, Joseph Clay, Matthew Clay, George Clinton, jr., Frederick Conrad, Orchard Cook, Leonard Covington, Samuel W. Dana, Ezra Darby, John Davenport, jr., John Dawson, Theodore Dwight, Peter Early, James Elliot, Caleb Ellis, Ebenezer Elmer, William Ely, John W. Eppes, William Findley, James Fisk, John Fowler, James M. Garnett, Charles Goldsborough, Peterson Goodwin, Edwin Gray, Andrew Gregg, Silas Halsey, John Hamilton, Seth Hastings, James Holland, David Holmes, David Hough, John G. Jackson, Walter Jones, James Kelly, Thomas Kenan, John Lambert, Joseph Lewis, jr., Henry W. Livingston, Edward Lloyd, Matthew Lyon, Duncan McFarland, Patrick Magruder, Robert Marion, William McCreery, David Meriwether, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Jonathan O. Mosely, Jeremiah Nelson, Roger Nelson, Thomas Newton, jr., Timothy Pitkin, jr., John Porter, John Pugh, Josiah Quincy, John Randolph, Thomas M. Randolph, John Rhea of Pennsylvania, John Rhea of Tennessee, John Russell, Peter Sailly, Thomas Sammons, Martin G. Schuneman, Ebenezer Seaver, James Sloan, Dennis Smelt, John Smilie, John Smith, Samuel Smith, Richard Stanford, Joseph Stanton, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, Philip R. Thompson, Thomas W. Thompson, Uri Tracy, Abram Trigg, Philip Van Cortland, Killian K. Van Rensselaer, Peleg Wadsworth, John Whitehill, Robert Whitehill, David R. Williams, Marmaduke Williams, Alexander Wilson, Richard Winn, Joseph Winston, and Thomas Wynns.

NAYS—Evan Alexander, John Archer, Barnabas Bidwell, John Chandler, Richard Cutts, Elias Earle, Isaiah L. Green, William Helms, Josiah Masters, Gurdon S. Mumford, Gideon Olin, Thos. Sandford, Henry Southard, David Thomas, Joseph B. Varnum, Daniel C. Verplanck, Matthew Walton, Eliphalet Wickes, and Nathan Williams.

TUESDAY, January 27.

Mr. GOLDSBOROUGH, from the committee appointed on the sixteenth instant, presented a bill further supplementary to the act, entitled "An act concerning the District of Columbia;" which was read twice, and committed to a Committee of the Whole to-morrow.

Mr. ROGER NELSON, from the committee who were directed by a resolution of the House of the fifth instant, to inquire whether any, and, if any, what, alterations ought to be made in the militia laws of the District of Columbia, presented a bill supplementary to the act, entitled "An act more effectually to provide for the organization of the militia of the District of Columbia;" which was read twice, and committed to a Committee of the Whole to-morrow.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a report prepared in obedience to "An act directing the Secretary of the Treasury to cause the coast of North Carolina, between Cape Fear and Cape Hatteras, to be surveyed; which were read, and referred to the Committee of Commerce and Manufactures.

On motion of Mr. McCREERY,

Resolved, That the Committee of Commerce and Manufactures be instructed to inquire whether any, and, if any, what, amendments are necessary to the act passed on the 18th of April, 1806, "to prohibit the importation of certain goods, wares, and merchandise."

Mr. EARLY, from the Committee of Commerce and Manufactures, who were instructed, by a resolution of the fourteenth instant, "to inquire into the expediency of extending to the revenue districts on Lake Erie, and within the State of Ohio, the provisions of an act, entitled 'An act to extend jurisdiction, in certain cases, to State Judges and State Courts,'" made a report thereon; which was read and considered: Whereupon,

Resolved, That it is not expedient, at this time, to extend the provisions of the act entitled "An act to extend jurisdiction, in certain cases, to State Judges and State Courts."

Mr. LATTIMORE presented to the House a memorial of the Legislative Council and House of Representatives of the Mississippi Territory, which was received and read, praying that the several acts of Congress regulating the grants of land, and providing for the disposal of the lands of the United States south of the State of Tennessee, may be revised and amended; that farther time may be granted on the first payment to be made for purchases of the public lands; and that the right of suffrage in the said Territory may be extended.—Referred to the Committee on the Public Lands.

Mr. JOSEPH CLAY presented to the House a petition of the merchants of the city of Philadelphia, signed by William Davy and others, a committee appointed at a general meeting of the said merchants, which was received and read, praying, for the reasons therein set forth, an extension of the time in which the oath shall be taken and the bonds given, in cases of goods exported entitled to drawback; and that the forfeitures already incurred by accident, mistake, or misfortune, may be remitted to them.—Referred to the Committee of the Whole to whom was committed, on the twelfth instant, the bill authorizing the issuing of debentures in certain cases.

Mr. CLINTON, from the committee appointed on the seventeenth ultimo, presented a bill incorporating an institution in the City of Washington, in the District of Columbia, for the education of youth, and the promotion and diffusion of learning and science, and granting to the same certain public lots within the said city; which was read twice, and committed to a Committee of the Whole on Thursday next.

Mr. JOHN RANDOLPH, from the Committee of Ways and Means, presented a bill making appropriations for carrying into effect a treaty between the United States and Chickasaw tribe of Indians; which was read twice, and committed to a Committee of the Whole on Friday next.

The bill sent from the Senate, entitled "An act establishing Circuit Courts, and abridging the jurisdiction of the District Courts, in the districts of Kentucky, Tennessee, and Ohio," was read twice, and referred to Mr. GEORGE W. CAMPBELL, Mr. BOYLE, and Mr. JEREMIAH MORROW.

The bill sent from the Senate, entitled "An act for the relief of Seth Harding, late a Captain in the Navy of the United States," was read twice, and committed to a Committee of the Whole to-morrow.

The House resolved itself into a Committee of the Whole on the bill for the encouragement of learning, and for the promotion of the useful arts; and, after some time spent therein, the Committee rose and had leave to sit again.

Wednesday, January 28.

Mr. Holmes, from the Committee of Claims, presented a bill making compensation for extra services to the Governor, Judges, and Secretary, of the Indiana Territory; which was read twice, and committed to a Committee of the Whole on Friday next.

Mr. Holmes, from the same committee, to whom was referred, on the sixth instant, the petition of Peter Landais, made a report thereon; which was read and considered: Whereupon,

Resolved, That Peter Landais have leave to withdraw his memorial, and papers accompanying the same.

The Speaker laid before the House a letter from the Secretary of the Treasury, enclosing copies of the accounts of expenses incurred in public prosecutions before the Circuit Court of the United States, for the district of Connecticut, in the months of April and September, one thousand eight hundred and six, in obedience to a resolution of the House of the twenty-second instant; which were read, and committed to the Committee of the whole House to whom was committed, on the second instant, a motion for the appointment of a committee "to inquire whether prosecutions at common law should be sustained in the Courts of the United States for libellous publications, or defamatory words, touching persons holding offices or places of trust under the United States; and whether it would not be proper, if the same be sustained, to allow to the parties prosecuted the liberty of giving the truth in evidence."

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, in the year of our Lord one thousand eight hundred and eight;" to which they desire the concurrence of this House.

The bill sent from the Senate, entitled "An act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, in the year of our Lord one thousand eight hundred and eight," was read twice, and committed to the Committee of the Whole to whom was committed, on the twentieth instant, the amendatory bill to prohibit the importation or bringing of slaves into the United States, or the Territories thereof, after the thirty-first day of December next.

A Message was received from the President of the United States, transmitting an account of the fund established for defraying the contingent expenses of Government, for the year one thousand eight hundred and six. The Message was read, and, together with the account therewith transmitted, ordered to lie on the table.

Another Message was received from the President of the United States, communicating the report of the Director of the Mint, of the operations of that establishment during the last year. The Message was read, and, together with the report therewith transmitted, ordered to lie on the table.

Another Message was received from the President of the United States, transmitting copies of letters of Captain Bissel, who commands at Fort Massac, and of Mr. Murrell, to General Jackson, of Tennessee, in relation to the movements of Aaron Burr. The Message was read, and, together with the documents transmitted therewith, ordered to be committed to a Committee of the whole House on the state of the Union.

The House resolved itself into a Committee of the Whole on the bill sent from the Senate, entitled "An act to alter the time of holding the Circuit Court in the district of North Carolina." The bill was reported with an amendment thereto; which was twice read, and agreed to by the House.

Ordered, That the said bill, as amended, be read the third time to-morrow.

Mr. Boyle, from the Committee on the Public Lands, presented a bill to extend the time for locating Virginia military warrants, and for returning the surveys thereon to the office of the Secretary of the Department of War; which was read twice, and committed to a Committee of the Whole to-morrow.

The House resolved itself into a Committee of the Whole on the bill for the relief of the sufferers by fire in the town of Portsmouth, New Hampshire. The bill was reported with several amendments thereto; which were severally twice read, and agreed to by the House.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time to-morrow.

The House again resolved itself into a Committee of the Whole on the bill for the encouragement of learning, and for the promotion of the useful arts; and, after some time spent therein, the Committee rose and had leave to sit again.

On motion of Mr. John Randolph,

Ordered, That the committee to whom was referred the Message of the President of the United States, of the twenty-second instant, be discharged from the farther consideration thereof; and that the said Message, together with the Messages of Monday last, and of this day, be committed to a Committee of the whole House on the state of the Union.

The House resolved itself into a Committee of the Whole on the report of the Committee of Claims, made on the twelfth instant, on the petition of Stephen Sayre; and, after some time spent therein, the Committee rose and reported to the House their agreement to the resolution therein contained, amended to read as follows:

Resolved, That the accounting officers of the Treasury be directed to audit the account of Stephen Sayre, as Secretary of Legation to the American Commission at the Court of Berlin, in the year 1777, and that they allow him at the rate of one thousand pounds sterling per annum, and the compensation then usually made for returning home, with interest on the whole sum until paid.

The House proceeded to consider the said resolution. And on the question that the House do agree with the Committee of the whole House in their agreement to the said resolution, as amended, it was resolved in the affirmative.

Ordered, That a bill, or bills, be brought in, pursuant to the said resolution; and that the Committee of Claims do prepare and bring in the same.

THURSDAY, January 29.

Mr. HOLMES, from the Committee of Claims, presented a bill for the relief of Stephen Sayre; which was read twice and committed to a Committee of the Whole to-morrow.

Mr. FINDLEY presented to the House a petition of the Trustees of the Presbyterian Congregation of the city of Washington, in the District of Columbia, signed by Joseph Nourse, and others, on behalf of the said church, which was received and read; praying that an act of incorporation may be passed, vesting in the said church such powers, privileges, and immunities, as Congress may deem just and reasonable.—Referred to Mr. FINDLEY, Mr. BARKER, Mr. WINN Mr. BIBB, and Mr. MAGRUDER; to examine and report thereon by bill or otherwise.

The House resolved itself into a Committee of the Whole, to whom was recommitted, on the twentieth instant, the bill to annex certain shores and waters to the district of Mississippi. The bill was reported with several amendments thereto; which were severally twice read, and agreed to by the House.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time to-morrow.

The bill sent from the Senate, entitled "An act to alter the time of holding the Circuit Court, in the District of North Carolina," together with the amendments agreed to yesterday, was read the third time; and, on the question that the said bill, with the amendments, do pass, it was resolved in the affirmative.

An engrossed bill for the relief of the sufferers by fire in Portsmouth, New Hampshire, was read the third time, and passed.

Mr. J. RANDOLPH, from the committee to whom was referred, on the nineteenth instant, the bill sent from the Senate, entitled "An act supplementary to an act, entitled 'An act fixing the Military Peace Establishment of the United States," reported to the House their disagreement to the same. Whereupon, the said bill and report were committed to a Committee of the Whole House to-morrow.

Mr. FINDLEY presented to the House a petition of sundry inhabitants of the Western country, which was received and read, praying that the act, entitled "An act to regulate the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio," may be suspended, until a re-examination may be had of the country between Brownsville and the Ohio; and that the road directed to be laid out by the said act may run from Brownsville to Charlestown, on the Ohio river.

On motion of Mr. JEREMIAH MORROW, that the said petition do lie on the table, it passed in the negative.

Another motion was made by Mr. FINDLEY, that the said petition be referred to the President of the United States; and, on the question thereupon, it passed in the negative.

Another motion was then made, by Mr. VARNUM, that the petitioners have leave to withdraw their petition; and, on the question thereupon, it was resolved in the affirmative.

The House resolved itself into a Committee of the Whole on the bill authorizing the issuing of debentures in certain cases. The bill was reported with several amendments thereto. The House proceeded to consider the said amendments: Whereupon, an adjournment being called for, the House adjourned.

FRIDAY, January 30.

A quorum of the House not being present, the House adjourned until to-morrow.

SATURDAY, January 31.

An engrossed bill to annex certain shores and waters to the District of Mississippi was read the third time.

Resolved, That the said bill do pass, and that the title be, "An act to annex certain shores and waters to the district of Mississippi, and to authorize the building of a custom-house at New Orleans."

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act to explain the act, entitled 'An act supplementary to an act, entitled 'An act to divide the Territory of the United States Northwest of the river Ohio into two separate governments;" to which they desire the concurrence of this House. The Senate have passed the bill, entitled "An act to provide for surveying the coasts of the United States," with several amendments; to which they desire the concurrence of this House.

A Message was received from the President of the United States, communicating a report of the Commissioners for laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio,"

The said Message was read, and, together with the report transmitted therewith, ordered to lie on the table.

The House proceeded to consider the report of the Committee of the Whole on the bill to authorize the issuing of debentures in certain cases. The second section grants relief in certain cases where merchants have been prevented, by unavoidable necessity, giving bonds and taking the oath in ten days, as the law prescribes.

Mr. EPPES moved to strike out this section. This motion gave rise to a long debate. It was supported by Messrs. EPPES, D. R. WILLIAMS, HOLLAND, and SLOAN; and opposed by Messrs. J. CLAY, QUINCY, EARLY, and BROOM; and lost, yeas 43, nays 49.

Some further debate took place on an amendment offered by Mr. D. R. WILLIAMS. The speakers were Messrs. D. R. Williams, J. Clay, Early, Sloan, Varnum, Dana, and Broom.

When, on motion, the House adjourned.

Monday, February 2.

Mr. Thomas Moore, a member of this House for the State of South Carolina, informed the House of the death of his colleague, General Levi Casey, late one of the members of the said State in this House: Whereupon,

Resolved, unanimously, That a committee be appointed to take order for superintending the funeral of General Levi Casey, late a Representative from the State of South Carolina.

Ordered, That Mr. Thomas Moore, Mr. Earle, Mr. D. R. Williams, Mr. Marion, Mr. Early, and Mr. Holland, be appointed a committee, pursuant to the said resolution.

Resolved, unanimously, That the members of this House will testify their respect for the memory of General Levi Casey, late one of their body, by wearing crape on the left arm for one month.

On motion of Mr. Holland,

Resolved, unanimously, That the members of this House will attend the funeral of the late General Levi Casey, this day, at one o'clock.

Resolved, unanimously, That a message be sent to the Senate to notify them of the death of General Levi Casey, late a member of this House, and that his funeral will take place, this day, at one o'clock.

Tuesday, February 3.

Mr. Boyle, from the Committee on the Public Lands, who were directed by a resolution of the House of the ninth of December last, "to inquire whether any, and, if any, what alterations are necessary in the act for ascertaining and adjusting the titles and claims to lands within the Territory of Orleans, and the District of Louisiana," presented a bill respecting claims to land in the Territories of Orleans and Louisiana; which was read twice and committed to a Committee of the Whole on Friday next.

Mr. Boyle, from the same committee, to whom was referred, on the sixteenth of December last, the petition of sundry officers who served in America, during the war between France and Great Britain, made a report thereon; which was read, and referred to a Committee of the Whole House on Monday next.

Ordered, That the Committee of Commerce and Manufactures be discharged from the farther consideration of the petition of sundry merchants of Kennebunk and Wells, presented to this House on the nineteenth ultimo; of sundry merchants of Bath, presented to this House on the twentieth ultimo; of sundry merchants of Portland, and of Wiscasset, presented to this House on the twenty-seventh ultimo; and of sundry merchants of York, presented to the House on the thirty-first ultimo; and that the petitioners, respectively, have leave to withdraw their petitions.

The bill sent from the Senate, entitled "An act to explain the act, entitled 'An act supplementary to an act, entitled 'An act to divide the Territory of the United States Northwest of the river Ohio into two separate governments,'" was read twice and committed to a Committee of the Whole on Monday next.

ISSUE OF DEBENTURES.

The House resumed the consideration of the report of the Committee of the Whole on the bill authorizing the issuing of debentures in certain cases.

After some debate, Mr. Early moved that the bill be recommitted to a Committee of the Whole, which was agreed to—yeas 55, nays 43.

Mr. Alston moved that it should be the order of the day on the third of March, lost—yeas 42, nays 57.

Monday was named, and lost—yeas 20. Today was named, and carried without a division.

On motion of Mr. Early, the House resolved itself into a Committee of the Whole on the bill.

Mr. Eppes moved to strike out the second section of the bill. This motion gave rise to a long debate, which continued till the House adjourned. It was supported by Messrs. Eppes, Fisk, Ely, Sloan, Holland, and D. R. Williams, and opposed by Messrs. J. Clay, Cook, and Dana, and lost—yeas 44, nays 49.

Mr. J. Clay in the course of his remarks observed, there were some Members in the House, who, looking no farther than the surface, exclaimed against the carrying trade. Mr. C. then went at some length into a defence of the carrying trade. He who exports the produce of the country, must take in return, either specie, or articles of foreign growth, or manufacture. Specie cannot, except in a few places, be procured. If the merchant send flour or tobacco to France, he must generally take brandy or wine in return. If the articles he thus takes and imports are not wanted in this country, he must re-export them to places where they are wanted, and where he can procure in exchange either money, or something wanted at home. If you throw obstacles in the way of the carrying trade, you discourage the exportation of the surplus produce of the country, any further than that produce can be sold abroad for money or for articles consumed in this country. Such is the value of the carrying trade, and such is the foundation of the system of drawbacks.

Mr. D. R. Williams said that he felt no hostility to the merchants, but, to the carrying trade and to the drawback system he felt the most rancorous hostility. It was the foundation of all our quarrels, and all our difficulties with foreign Powers. It was the only cause of our present clashing with Great Britain. It had entailed immense evil on the country.

The Committee rose and reported the bill, when the House immediately adjourned.

Wednesday, February 4.

The Speaker laid before the House a letter from the Secretary of the Treasury, enclosing a report on the petition of Daniel S. Dexter, referred to him by an order of the House, of the twenty-eighth ultimo; which was read, and ordered to be referred to Mr. STANTON, Mr. WADSWORTH, and Mr. J. WHITEHILL.

Resolved, That the Speaker address a letter to the Executive of the State of South Carolina. communicating information of the death of LEVI CASEY, late a member of this House, in order that measures may be taken to supply any vacancy occasioned thereby in the representation from that State.

Mr. J. CLAY, from the committee to whom was referred, on the sixteenth of December last, the petition of Elexius Spalding, presented a bill to provide for the payment of certain expenses incurred in the impeachment of Samuel Chase; which was read twice and committed to a Committee of the Whole on Monday next.

Mr. G. W. CAMPBELL, from the committee to whom was committed, on the twenty-seventh ultimo, the bill sent from the Senate, entitled "An act establishing Circuit Courts, and abridging the jurisdiction of the District Courts in the districts of Kentucky, Tennessee, and Ohio," made a report thereon; which was read, and, together with the bill, committed to a Committee of the whole House on Friday next.

The House resolved itself into a Committee of the Whole, on the bill from the Senate for the relief of Seth Harding.

Messrs. VAN CORTLANDT, MUMFORD, ELMER, SMILIE, CONRAD, and JACKSON, supported the bill. Mr. QUINCY suggested some difficulty with regard to the fund from which it was proposed to derive relief.

The Committee then rose and reported the bill, which was read a third time, and passed.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act confirming claims to lands in the district of Vincennes;" also, an act, entitled "An act to reduce the expenses attending the administration of justice in the District of Columbia;" to which they severally desire the concurrence of this House.

INDEMNITY TO COLLECTORS.

Mr. EARLY, from the Committee of Commerce and Manufactures, to whom was referred, on the second ultimo, the memorial of David Gelston, Collector of the Customs in the city of New York, presented a bill respecting seizures made under the authority of the United States, and for other purposes; which was read twice and committed to a Committee of the Whole on Monday next.

Mr. EARLY also laid before the House the following letter from the Secretary of the Treasury:

TREASURY DEPARTMENT, *Jan.* 22, 1807.

SIR: I have the honor to transmit copies of the vouchers sent, by Mr. Gelston to the Comptroller's office, and establishing the facts stated in his petition that he had paid $9,974 62, recovered from him in two suits instituted against him for damages arising from a seizure made by him, as collector, of two vessels which were presumed to be owned by foreigners, though sailing under American registers. Although the proofs were not sufficient to obtain a condemnation of the vessels, the circumstances were such as did justify the attempt. But the accounting officers had no authority to allow to the collector the amount of damages recovered; and the hardship of the case consists particularly in that, in case of condemnation, the United States would have received one-half of the net proceeds of the forfeiture, and the collector one-sixth part of the same; while, in case of acquittal and subsequent damages, the whole falls on the collector who has made the seizure.

Whatever may be the determination of Congress in this case, it appears proper that some general provision may be adopted, which, without injuring the citizens, may protect the collectors, and ultimately the United States, against actions of this kind, when the seizure shall appear to have been made on reasonable grounds.

It is provided, by the 89th section of the act to regulate the collection of duties on imports and tonnage, that, "when any prosecution shall be commenced on account of the seizure of any ship or vessel, goods, wares, or merchandise, and judgment shall be given for the claimant or claimants, if it shall appear to the court before whom such prosecution shall be tried, that there was a reasonable cause of seizure, the said court shall cause a proper certificate or entry to be made thereof, and, in such case, the claimant or claimants shall not be entitled to costs, nor shall the person who made the seizure, or the prosecutor, be liable to action, suit, or judgment, on account of such seizure and prosecution." But this provision extends only to revenue cases arising under the act, and applies neither to the registering act, nor to the acts prohibiting the slave trade, nor to the acts prohibiting the intercourse with St. Domingo, or the importation of certain goods from the dominions of Great Britain. It necessarily results that the execution of those laws is not enforced as it ought to be; and that, principally, since the damages recovered in the case now under consideration have been known, collectors cannot be expected to make seizures at the risk, perhaps, of the whole amount of their property, even in cases where circumstances are extremely suspicious, and it is expected that a legal investigation will lead to a full discovery. The same will happen in cases where the law is not perfectly clear, and where a judicial decision is in fact necessary to fix its meaning.

If the provision above-mentioned be proper in revenue cases, it cannot be improper in the cases arising under the registering act, or under any other law which authorizes a seizure. If the collector dares to seize without reasonable cause, the court will refuse a certificate, and the party will recover damages, which, in such case, Congress never can be called upon to refund. But, unless the provision be thus extended, either the collectors must be assured that Congress will always indemnify them, or the laws will remain in a great degree unexecuted, and those provisions, particularly, which were intended to protect the American flag, be materially impaired.

I have the honor to be, &c.,

ALBERT GALLATIN.

Hon. PETER EARLY, *Chairman, &c.*

NATIONAL DEFENCE.

The House resumed the consideration of the report of the Committee of the Whole, made on the twenty-third ultimo, on the report of the committee to whom was referred so much of the Message of the President of the United States as relates "to the repairs of fortifications, and to the farther protection of our ports, towns, and rivers:" Whereupon, the second resolution, reported by the said Committee of the Whole, being again read, in the words following, to wit:

"*Resolved*, That a farther sum of money, not exceeding two hundred and fifty thousand dollars, be appropriated to enable the President of the United States to cause to be built a number of gunboats, not exceeding fifty, for the better protection of our ports, towns, and rivers; and the farther sum of —— dollars, to enable the President of the United States to arm, man, and equip, the whole, or such number of gunboats, as he may think the public service may require:"

The motion of Mr. Van Cortlandt, to amend the resolution, by adding, after gunboats, "and other armed vessels," still depending—

Mr. Mumford said: I rise to make a motion. As it is probable the chairman of the Committee on the Fortifications of the Ports and Harbors will not return for some days, and as the session is progressing to a close, I hope the House will now consent to consider the report of the Committee of the Whole on that subject.

The House agreed to take up the report.

Mr. Mosely.—I should not have supposed that there would have been any objection to the amendment proposed by the gentleman from New York.

I should not have imagined that the most zealous advocates for gunboats would be unwilling to give the President the discretionary power which this amendment proposes.

Are gentlemen apprehensive that so great a proportion of this sum will be appropriated to the equipment of vessels of a different description as essentially to interfere with their favorite system of defence by gunboats? Surely, sir, there can be no danger of this. If we are to judge from past experience, or from present appearances, there can be no doubt but that gunboats are destined to constitute the principal naval force of our country, and to afford the only protection of consequence which we are to expect for our ports and harbors. The votes which have already passed in this House clearly evince their determination on this point.

The President certainly has never manifested any hostility to gunboats, nor recently, I believe, any disposition to encourage a maritime force of any other description.

Indeed, it appears from the documents before us, that he has, on the present occasion, instructed the Secretary of the Navy to state that, in his opinion, it would be expedient at this time to build sixty additional gunboats. And if our sole reliance is to be placed upon gunboats, no one, I presume, will contend that this number can be more than competent for the complete defence of all our ports and harbors.

But, however useful gunboats may be in the estimation of some gentlemen in certain cases, and under certain circumstances, it must be conceded that there may be exigencies when, if they were ever so numerous, if our shores were lined with them, that a single frigate would be of more efficiency, and might be employed to much greater advantage. Why not, then, when we have them on hand; when they lie useless and rotting in our harbors; why not authorize the President to make use of other armed vessels in commission with gunboats, provided he should judge it expedient? I know, sir, that gentlemen are very fruitful in their objections to every measure of defence that is proposed, either by sea or land.

It was said when this subject was under discussion a few days since, by some gentlemen, that they were opposed to a naval force, because it would involve us in incalculable expense, and eventually prove destructive to the liberties of the people.

It was again contended that, as our seacoast was so extensive, and our ports and harbors so numerous, it would be impracticable to fortify and secure them, and, therefore, that nothing ought to be done; but the whole of them must be left entirely defenceless and exposed to pillage and destruction from the most inconsiderable force that might choose to attack them.

The inhabitants, it is true, were very kindly informed that, in case of invasion, they might flee back to the mountains, or to the interior of the country, and find perfect safety.

Sir, I apprehend that this numerous and respectable class of our citizens, who inhabit the wealthy and populous cities and towns upon our seacoasts, will duly appreciate sentiments of this sort. They will no doubt feel all the respect and gratitude which they ought for the liberal and enlightened policy of a Government which guards with such parental solicitude the welfare and interests of every portion of the community.

But I ought to beg pardon; these were not precisely the sentiments of a majority of the House. They did vote to appropriate $20,000 for the purpose of improving and repairing our fortifications. Not the fortifications at any one particular place, but the whole of the fortifications throughout the United States. Twenty thousand dollars! about half the sum that was appropriated the last Winter for the purpose of finishing a single room in the south wing of this Capitol, for our own accommodation; rather more, I believe, than we have expended the present Winter in repairing the walls of the room we now occupy. But, Mr. Speaker, I have no disposition to treat this subject with levity. I view it as a very serious one; but when we compare the sum appropriated with the object to which it is to be applied, it does really appear—I will not say contemptible, but I will say, what I presume no man will deny, that it is as small a sum as the most rigid principles of economy could justify a magnanimous Legislature in granting, provided they thought proper to grant anything.

But I perceive that I am extending my remarks further than I intended when I rose. My intention was to confine them to the amendment offered by the gentleman from New York, which simply proposes to authorize the President, provided he should judge it expedient, to arm and equip some other of our armed vessels in addition to, or in connexion with the gunboats to be employed.

The amendment appears to me so reasonable and so unobjectionable, that I cannot but persuade myself the House will think fit to adopt it.

Mr. D. R. **WILLIAMS** said he was extremely surprised at the observations of the gentleman from Connecticut. He would have supposed that a regard to decency would have prevented the remarks made by him in the abence of the gentleman from Maryland, (Mr. **NELSON**,) particularly on a point to which those remarks had no relevancy. The only question before the House was whether they should vest the President of the United States with the power of increasing the naval establishment at pleasure. On examining the documents before the House, gentlemen would find there was this year a much larger sum applicable to fortifications than had been expended the last year. Of the hundred and fifty thousand dollars then appropriated only about forty-eight thousand had been expended. Consequently $102,000 remained. In addition to this sum would be found an item of $75,000 in the estimates, to which it was now proposed to add $20,000, making altogether near $200,000. If the Government could not expend the last year more than $48,000, would not 200,000 be amply sufficient for the present year?

Mr. W. said he was decidedly hostile to vesting the President with a power to increase the naval establishment at will. Wherefore the necessity of the Naval Peace Establishment, if it was to be thus increased in this side way? Mr. W. concluded by observing that there never had, under the former Administration, been proposed a greater outrage on principle than this.

Mr. **MOSELY**.—I never before understood that it could be considered indecorous or improper to reply to arguments which had been stated upon the floor of this House, in the absence of the gentleman who had advanced them. Had my opinion corresponded with that of the gentleman from South Carolina upon this subject, I might perhaps have spared the remarks which seem to him so exceptionable; had I, indeed, noticed or recollected the absence of the honorable gentleman from Maryland, which, if necessary, I could assure the gentleman from South Carolina that I did not until mentioned by him. But, sir, as I entertain a different opinion upon the point of order and decorum from the gentleman from South Carolina, I should consider myself justifiable in making the same remarks in the absence of the gentleman from Maryland, as I should suppose myself authorized in making were he present. Nor would the presence of that gentleman, however formidable the opposition I might in that case expect to meet with, deter me from submitting such observations as I should consider pertinent to the subject, and compatible with the rules of decorum in debate. Whether my remarks were relevant to the subject under consideration the House must decide.

Mr. **ELLIOT** said he did not think the remarks of the gentleman from Connecticut indecorous. But he thought the remarks of the gentleman from Maryland (Mr. **NELSON**) could not be reprobated in too strong terms.

The question before the House, said Mr. E., is whether we shall vest the President with the power of augmenting the navy. I would not do this, if I could help it. I regret the necessity of the measure. But consistently with the economical politics of the day, which, like the subtile principle of chemistry, caloric, pervades the whole system, without animating it, we must, consistently with our principles, vote for it. The Legislature of the Union will not agree to do anything. Supposing that it is true policy to do something to provide against the occurrence of danger, is it not, on the belief that danger will arise during the recess, indispensably necessary to vest this power? The system of the gentleman from Maryland is worse than the ancient system recommended by Hudibras, who says, that

> "He that fights and runs away,
> May live to fight another day."

Whereas, according to the plan of the gentleman from Maryland, we are to run away without fighting at all. I hope that such a doctrine will ever be reprobated, and I trust, that whenever the subject comes before this House, there will be no voice heard but that of political reprobation.

Mr. **LLOYD** said it was not his intention to have opened his mouth on this subject. But he had always understood that it was indecorous to call up a report in the absence of the Chairman. He would not say that this was improper in the present instance. But he professed he saw no necessity for it, as the Chairman was expected to return in a fortnight. But as the subject had been brought forward, would it not have been decorous to avoid commenting on the remarks of his colleague, who had no opportunity to reply? If, however, he recollected what had been said by his colleague, he did not take the ground ascribed to him. He had only said, that, rather than incur the expense of completely fortifying the coast, he would give it up, retire into the interior, and depend for defence on the militia, who were undoubtedly the strong defence of the nation. Doubtless meaning that he would in the first instance defend the seacoast as well as he could, and, if necessary, retire into the interior. This was conformable to the habits of his colleague. He had never been in the habit of running from any man. At the period to which gentlemen had alluded, he had been among the foremost to defend his country, and his gallantry, and the services he had rendered, ought to have convinced every one that he would have been the last man to skulk from danger.

Mr. **LLOYD** said he was not only decidedly opposed to the amendment, but likewise to both of the resolutions. He was opposed to appropriating $20,000, because he believed it would do no good. He was also opposed to the appropriation for gunboats, as they related to an experiment not yet tried. There were already sixty, for which an appropriation had been made. These are a sufficient number with which to try the experiment. Let us first determine their utility before we appropriate large sums of money; until we are satisfied of their utility, let us cease any further appropriation. Mr. L. said it was not his habit to profess confidence in any man. In saying so, he was not to be understood as saying he had less confidence in the members of the existing Administration than many of those who talked so much about it.

Mr. Elliot said there was nothing further from his intention than the making a political or personal attack on the colleague of the gentleman from Maryland, whom he respected as a man, as an officer, and as a member of the House.

Mr. Lloyd said he was convinced that the object of the resolutions would be as well answered two weeks hence as at present. For the purpose, therefore, of affording his colleague an opportunity of defending his remarks, and under a conviction that he was, perhaps, better informed on the subject, than any other member in the House, he moved the postponement of their further consideration till Monday fortnight.

Mr. Thomas hoped the resolutions would not be postponed. He could not conceive there was any indecorum in calling up the resolutions in the absence of the Chairman; and if his colleague had not called them up, he should. The period of the session was late, and no time could be lost.

Mr. Gregg said he should vote for the postponement, not because he thought it indecorous to proceed in this business in the absence of the Chairman; but for other reasons. One gentleman has addressed us as though we were on the eve of a war.

Mr. Elliot observed that he had said no such thing.

Mr. Gregg.—The proper authority has advised us that our affairs with one of the European Governments with whom we have differences are in a favorable train for accommodation. There can consequently be no such apprehension from this quarter. With the other country it appears that all differences are at present waived. I believe there is no information that the negotiation is going on, but there is no statement that that nation is preparing to attack us. What reason, then, is there for apprehending a greater danger at this period than existed several years ago? It was then said that we were to have a war with another nation, and we began to raise an army, and to repair our fortifications. But the alarm subsided. We are now again told that it is necessary to repair our fortifications. But I believe they have been suffered to go out of repair, because they will not answer the purposes for which they were intended. For my part, said Mr. G., if we are to be engaged in a war, I am willing to go all the length of our means. Some years ago when it was represented that danger existed, although I entertained a different opinion, I voted, out of deference to the opinions of others, for raising the Army and fortifications; and if I thought danger really existed at the present time, I would vote for the highest sum that has been named, if gentlemen could persuade me that it would answer the end contemplated.

But my greatest objection to the amendment is, that it is an attempt to alter our naval establishment in a side way. There can be no doubt but that it will entirely supersede the Navy Peace Establishment. It appears to have been thought at the last session that the number of vessels and seamen now in service, would be sufficient in time of peace. If a different opinion is now entertained, let the bill fixing the Peace Establishment be revised and altered; but, let us not in this side way give a power to the President at his discretion to call into service our whole naval force.

Mr. Lyon declared himself also in favor of the postponement. He believed they were in danger of a war, and ought to pursue far more energetic measures than those contemplated by the resolutions under consideration.

Mr. Smilie said if he really thought they were to have war, he should think seriously of defending the country. But he did not think that any of the gentlemen who had spoken had given any reasons for this apprehension. For his part, Mr. S. said, he did not see the least prospect of war with either of the nations alluded to. If, then, there was no danger of war, the only thing to be considered was what was required in a state of peace. Suppose our fleet was before the harbor of New York, and such an occurrence should take place as recently happened, was there not the greatest probability that a war would be the consequence; that our vessels would have attacked the Cambrian frigate, when war would have been inevitable? On this ground he was averse to arming the Navy. He was not, however, at the same time averse to putting our ports and harbors in a respectable state of defence. He believed, considering all circumstances, it would be best to postpone this subject to Monday week. He was averse to so distant a postponement as that named.

Mr. Lloyd acquiesced in this modification of his motion.

Mr. Mumford.—In the course of debate on this subject in Committee of the Whole, my friend from Maryland, whom I respect as much as any gentleman, and who fought your battles with honor to himself, and bears honorable scars in defending his country's rights, I am sure cannot be serious when he advised the inhabitants of our seaport towns at the moment of danger to fly to the mountains, and leave all to be despoiled by the invader. I have too good an opinion of that gentleman to think he will persist in such sentiments. He would, I am persuaded, be among the first defenders to fly to our assistance; and what would he exclaim if he were told on the road the inhabitants had fled to the mountains, without making the least effort to keep the enemy at bay until their friends in the country could come to their assistance! Gentlemen are very much mistaken if they think we want expensive establishments like a Gaeta or a Gibraltar; we only ask such protection as will secure our exposed seaports from the sudden surprise of an enemy.

The gentleman from Pennsylvania, on my right, has observed, that we have no plan, and that it was impracticable to fortify New York. Another gentleman, from North Carolina, trusts he can find better methods of disposing of the surplus revenue than fortifying our ports and harbors. His reasons are indeed curious. He will not protect his crop, nor even buy a key to lock his strong box, because it will cost him a few dollars and cents. I will endeavor to show the gentleman from Pennsylvania that it can be defended against ships at least, if it cannot be from an army. Why we have not had a more ample plan offered by the War Department, in order that we might vote understandingly on this subject, I am unable to say. The reasons are best known to themselves.

I think it my bounden duty to lay before the House such imperfect information as I have been able to collect, and must therefore beg their indulgence while I communicate the information I have received from Lieutenant Colonel Williams, of the corps of artillerists and engineers, and President of the Military Philosophical Society of the United States, established under the auspices of the Government at West Point, State of New York; a man of solid learning, sound judgment, possessing a practical knowledge in the military art; and I feel a great satisfaction, after four and twenty years' acquaintance, to have it in my power to add my testimony, with numberless others, that he is worthy of having descended from the same stock of the late venerable sage and patriot, Dr. Franklin. He is a practical man, can execute the business he recommends, and whose plans we can safely rely on; there is nothing visionary about him. I will now beg leave to read such extracts from the transactions of that society, as appear applicable to the subject before us, and which, I think, in some measure, may be considered as an official document:

"West Point, *December* 20, 1806.

"Sir: In conformity to the enclosed resolutions of the United States Military Philosophical Society, I have the honor of laying before you a summary view of their transactions during the year 1806.

"It cannot be too often, nor too strongly reiterated, that the best means of preserving peace is to preserve undiminished the science of war, combining general principles with local circumstances, and modes of defence with strength of position. War, by modern improvement, has become a contest of skill rather than of force; for mere physical effort, whether produced by the natural prowess of individuals, or that resulting from number, would serve only to render the victory gained by a small but compact band of scientific soldiers so much the more brilliant.

"There undoubtedly exists, scattered throughout the United States, a great proportion of military science, which is fast sliding into oblivion, as the veterans of our Revolution are themselves descending to the tomb, and the instructive researches made by many of our countrymen in their European travels probably lie buried in their cabinets. To collect these treasures into one deposit, whence they can be occasionally drawn, as the exigencies of our country may require, is the great end for which the society was instituted. The importance of this object should be strongly impressed on the minds of Americans by the consideration that the Europeans, who might become their enemies, have been instructed in the most effectual, though the dearest of all schools—actual war; and as much as the nature of our Government is opposed to a standing army, so much ought we to preserve and make perfect the means of raising, organizing, and effectually directing the operations of a temporary one."

Before I proceed further with the extracts from this valuable work, it will be necessary to make a few preparatory remarks.

The system of fortifications recommended by the celebrated Vauban, as well as Cohorn, are translated into all languages, and show they are applicable only to land batteries, citadels, &c., against the attacks of an army. I believe the honor of improvement in marine batteries has been reserved for the Marquis of Montalembert, and it is presumed justly so, as they combine solidity with durability, together with economy of men and money.

From high authority I am informed it has been in contemplation with the French Government to demolish all their old marine batteries, in order to erect new ones after the plan of those recommended by Montalembert. In the seven years' war, a British fleet was repulsed off the Isle de Aix, at the mouth of the river Charonte, on which is and was erected fortifications partly after the manner of Montalembert.

Extract from La Fortification Perpendiculaire of the Marquis of Montalembert: Translated by Jonathan Williams, Lieutenant Colonel of Engineers.

OF MARINE BATTERIES.

In many instances we have experienced the inefficiency of batteries placed along a coast. Hence has arisen a contempt for this kind of defence among military and naval officers; from the imperfection of such batteries as have been erected, a prejudice has been established that the fire of ships of war will always silence that of any batteries they can lie against, and that no seaport can be so defended as to prevent ships of war from entering it.

It does not, however, follow that this must always be the case, for we presume that such batteries have hitherto been badly constructed, and indifferently armed. Every kind of warlike attack or defence ought to be completely possessed of the whole force it is capable of: but if batteries are slightly constructed; if they are not furnished with a sufficient number of guns; if greater precaution is not taken with a battery that may be approached by ships of war as near as one hundred toises, than with one that cannot be approached within five hundred, the object of such batteries has not been understood, or these circumstances of position and exposure have not been considered.

The construction of a marine battery is not so simple a thing as may have been imagined; a variety of considerations should guide the engineer in forming his plan; the nature of the soil, its elevation, the various depths of the water, the direction of the flats, the courses of the channels, currents, &c., should be taken into consideration, and influence the position, the proportions, the form and composition of works of this kind; for it is not sufficient that they should be themselves indestructible by a maritime force, they should also possess the certain power of destroying any ships that come within their shot.

Therefore the construction of marine batteries ought to be guided by the following principles, viz:

First. Cannon ball begin to take effect at the distance of three hundred toises, eighteen hundred feet; therefore a ship would only waste her ammunition, if she were to attack a battery at a greater distance.

Second. It is established, in fortifications, that musketry cannot take effect at a greater distance than one hundred and fifty toises, nine hundred feet.

Third. Batteries on low ground, and near deep water, should not be *en barbette*, or without embrasures; barbette batteries being only proper in situations where large ships cannot approach near to them or when there can be but few guns mounted, and of very heavy metal, and when it is necessary to point in all directions, by turning the carriages on their pivots; but such batteries are much exposed when heavy ships can approach within musket shot.

Fourth. In all cases where an enemy has an essential object to accomplish, and batteries are designed to oppose his progress, it is better to have none, unless they are made stronger than the ships they are to repel; and we think this kind should be made wholly of mason work.

Fifth. We would, however, establish certain degrees in this respect; for it must be considered that to defend the entrance of a port of any great importance, more powerful means must be used than to defend any small harbor, since it is certain that the enemy's attack will be in proportion to the magnitude of the enterprise.

Sixth. The embrasures of seacoast batteries should be sufficiently wide to allow the axis of the bore of the gun, (which we will call the axis of the embrasure,) to form a horizontal angle of twenty-five degrees. Now the tangent of twenty-five degrees, to a radius of three hundred toises in length, is one hundred and forty toises, which determines the space commanded by half the embrasure to this distance. In like manner when the ship shall be in a perpendicular line at one hundred and fifty toises distance, (the length of musket shot,) the half embrasure will discover a space of seventy toises.

Seventh. Let us suppose a coast that is in a right line, as well as the flats under water which determine the edge of the channel in the distance of three hundred toises from the coast. In this case, supposing the bow of the ship to be in the channel, at less than one hundred and forty toises from the axis of the first embrasure, it will be seen at that instant along the side of the embrasure at three hundred and thirty-one toises distance, that being the secant of this angle, to a radius of three hundred toises; then this would be the greatest distance at which the battery should fire.

Eighth. It is clear from the foregoing, that when a ship is sailing along a coast which, as well as its battery, is in a right line, it will be exposed from the first moment it is within one hundred and forty toises of the axis of the first embrasure, until it shall be one hundred and forty toises from the last, in addition to the length of the ship, in every point of that line; and, supposing the battery to have twenty-four pieces, and the ship to have thirty toises in length, she will have to pass through three hundred and forty-six toises of constant fire, before she can be out of cannon shot.

Ninth. The width of the merlons leaves no space that cannot be seen at the distance mentioned. The lines of fire from embrasures that are three toises, or eighteen feet distant from each other, and with an opening not twenty degrees, cross about eight toises and three feet from the summit of their angle; deducting therefrom the thickness of the parapet, there will be left five toises from the exterior part, for the distance at which the fire crosses. When the summit of the angles of each embrasure are but nine feet distant from each other, and the opening at the exterior subtends an angle of fifty degrees, the lines of fire will cross at nine feet six inches from the summit of the angle; deducting from this six feet for the thickness of the wall, and the distance from the centre of the cannon's motion, there will remain but two feet eight inches for the distance from the exterior part of the wall to the point of intersection of the crossing fires. From the foregoing it appears impossible that even a boat could escape with impunity.

Tenth. If a ship were to keep out of the fire of such battery, her distance must be more than three hundred and thirty toises, as we have shown. Now, at this distance no ship, not even a fleet could injure a battery of this description to any important degree; and in case there were mortars in the battery, the advantage of such a cannonade would probably be on the side of the battery.

Eleventh. But if the channel were at one hundred and fifty toises from the battery, it would be necessary to remedy by its construction the disadvantage to which it is exposed by its position. This is the great object of the art of fortification. In such a case the tangent of the angle of twenty-five degrees would only be seventy, and its secant one hundred and sixty-five toises. A ship, then, by getting springs on its cables, in a position between two embrasures, might be out of the sight of either, and, without receiving one shot, might attack the post with its whole broadside. It might advance close to the battery, and, by the musketry from its tops, might clear the ramparts of every man. This has been the case in all those instances where forts have been so easily destroyed by ships of war, and it is this which we flatter ourselves we have completely remedied in the manner hereafter explained.

Twelfth. Every battery which is liable to be approached by large ships at the distance of one hundred and fifty toises should be built entirely of mason work and casemated. It should be casemated to be protected from the fire of musketry from the ships' tops, and of mason work to resist the force of artillery, also to permit a nearer position of the guns, and a greater angle to the embrasures.

Thirteenth. In general, marine batteries should be terminated in circular form, so that there may be no point within the reach of cannon shot, where a ship might ride without being exposed to their fire; this, however, is not necessary on the land side.

Fourteenth. Such batteries should have several tier of guns, like the ship against which they are to act, and the guns should be as near to each other as they are in a ship of war; they should be plentifully supplied with covered musketry, in points where they can be approached within musket shot, and then the ships and not the battery would have the most to fear from an attack.

Fifteenth. In short, every battery should have a defence peculiar to itself. It should not be susceptible of being, as it were, seized by the throat; its resistance should be in every direction from which an attack is possible, and it should have an imposing artillery on the land as well as on the sea side.

Note by the Translator.

These principles are displayed by an annexed plan, elevation, and section. In the plan, two towers, with the regular bases, are connected by a curtain at a distance from centre to centre of sixty toises, with lines of fire from the towers in every direction by sea and land, while on the latter side it is completely defended by all the known rules of the art of fortification; the towers are covered by a circular parapet, which is bomb proof, and, while it commands all around, it protects all below.

This plan is upon too small a scale to show the openings for the musketry in the elevation; the number of cannon in a given space may be counted, and it will be thereby seen that, in ordinary batteries of one line, when the distance from each gun is eighteen feet, for every shot such a battery could fire, these towers and curtain would fire six, occuping only the same space of ground, and this without counting the cannon that might be mounted on the top of the whole. Behind every aperture for small arms is an apartment for two or more soldiers, so that this work is at once a fort and barracks; the section displays the interior, with the arches in profile, according to the lines of vision in perspective, and the circular apertures above give free passage to the smoke, which has ample room to spread itself among the arches. The representation of a broken partition discovers the soldiers' apartment. A superior figure describes a detached tower.

The works of the Marquis of Montalembert, (ten volumes quarto,) it is believed, have not yet appeared in English, and the copy from which the foregoing was translated, is probably the only one in American hands. They were imported for the use of the Military Academy, and make a valuable portion of its library.

I now come to the grand question—What will be the cost of this plan of fortification? Montalembert calculates the whole at 2,500 cubic toises solid masonry, which, reduced to our measure, comes very near 25,000 perches—say, that about $160,000 will be sufficient to build a fortification capable of firing one hundred and twenty guns at each discharge upon one and the same object. It cannot be denied that marine batteries, constructed on these principles, must unite the greatest advantages. The four tier of the *courtine*, which unite the towers, contain 96 pieces of cannon; so that, by including the fire from the towers, a passing ship would receive 120 shot at every discharge throughout the whole space it would have to pass in a right line; the extent of the space, if the ship were at 400 yards, would be 360 yards; if at 600 yards distance, the ship would be exposed to such a fire during the time of sailing 512 yards. The passage, then, between two such batteries, one on each side of the Narrows—that is, between the Reef and Signal hill, is but about 1,300 or 1,400 yards, so that, coming with bows in, and sailing through, a ship would be exposed at once to both batteries, of 240 shot at each discharge—the men all the while covered. It must also be considered that no more disciplined troops would be required than merely to take care of the place and keep it in order, for the militia artillery companies could answer any supply of men wanted, when fighting became necessary. This work will be better than any that has hitherto been executed, and if it should prove to be such as we are assured it will be, the grand desideratum of fortifying our ports with great efficacy combined with great economy will be gained.

It is evident from the plan of such a work, which I have seen in the original, that from a gun which can be fired from the requisite space in any fortification now existing in this country, without extending that space, and, of course, without additional foundation, six guns may be fired. That is, the guns are twice as near to each other, and instead of one there are three tiers, all bomb proof, arched over each embrasure, or rather port hole, and capable of containing a complement of men all under cover. In going over a hasty translation of part of this work, some inaccuracies may have occurred, but the observations are believed to be substantially correct.

This plan is presumed to be solid, durable, and proportionate to the end desired; but it cannot be carried into effect without money; and as I have always understood money was the sinews of war, and as I am not disposed to sit down quietly with folded arms, despise my enemy, and cry peace, peace, when there is no certainty how long it may continue, I am for adopting a broad and liberal policy, by extending the arm of national defence throughout the whole Union, and inspire our fellow-citizens with confidence in their Government and in themselves, by knowing when and where their arms are to be found; and being prepared for war, will be the sure means of permanently securing your peace. I do, therefore, hope this House will exercise their own sober judgment, and then I am persuaded they will be convinced that the sum of twenty thousand dollars, filled up in this bill, for the fortifications of all our exposed ports and harbors is totally inadequate to the desired object—I mean all the ports, because some gentlemen seem to carry the idea that the appropriation is for the city of New York alone. I mention this circumstance, supposing it might be the idea of other gentlemen, I was advocating for that city exclusively. Sir, I disdain such a narrow policy. I have come here to promote the best interests of this Union, by pursuing magnanimous and liberal views, and in defending our seacoasts, ports, and harbors, do conceive I am carrying that object into effect, together with such other general measures as may appear proper to pursue, and which the exigencies of our common country may require.

Shall it be said, and go abroad in our nation, that the Congress of the United States appropriated $20,000 to build a custom-house in New Orleans, and only $30,000 in defence of fourteen hundred miles of seacoast, on which are situated her most populous cities, for the reception of the surplus productions of her soil; and that the farmers, the planters, and the cultivators of that soil would not afford protection to their own property deposited in those places for safe-keeping and a market? To me it is incomprehensible, unless I should indulge the idea that the enemies of your peace and tranquillity have, by their slanders and impositions upon the well-meaning citizens of the interior of the nation, represented the inhabitants of your cities as actuated by sinister views, and that they only wanted jobs to make money; nothing can be more illiberal, they are friends from choice, and from one of the strongest of all motives, the mutual interest they have in the prosperity of each other's agriculture and commerce. Why all this apathy, and why recommend flying to the mountains for protection? Is it in contemplation to abandon the seacoast altogether? What will this finally end in? I am seriously apprehensive of its ultimate consequences. Is it in the power of any man to calculate? Is it not more than human foresight can predict? Is our whole Atlantic coast and its inhabitants to be abandoned to their fate? Do gentlemen think they have got no feelings nor any rights? You may refuse to hear them, and neglect to protect them, until you alienate their affections from the nation. They are conscious of having performed all their duties as faithful citizens of the Union. What can be the cause of this distinction?

I do hope this House will pursue a broad and liberal policy, and exercise their own judgment in promoting what they may think for the best interests of this Union, without being fettered and shackled with those things called estimates, sometimes calling for enormous sums, and at others you are left in the dark, and must vote without having the requisite facts before you. We represent freemen, and I do hope we shall exercise our Constitutional rights in adopting such measures as we may think proper. There is nothing I more ardently desire, than to see the chain of this Union strengthened and brightened more and more; and hope we shall not be charged with having neglected to keep the polish bright. Shall it be said the ninth Congress suffered it to corrode? I hope not. I am sure they will not suffer any such imputation, and I do trust in the magnanimity of this House, that they will agree to fill this blank with such a sum as will give us solid and permanent defence of all the exposed ports on our Atlantic coast. Conceiving it the duty of this nation to weigh well these facts, which have come with irresistible force on my own mind, I hope the House will excuse my taking up so much of their time in discharging those duties. I shall take another opportunity of making further observations. In the meanwhile, I do hope the motion to postpone will not obtain.

When Mr. M. had concluded—

Mr. Elliot said he should not have risen again, had not his remarks been misunderstood. He had not said that he expected war during the recess. He had only intimated the expectation that the moment of danger would occur in the recess. He was willing to go further, and to say that he believed the moment of danger had already arrived. He believed the greatest danger of war now existed, and that it could not be avoided without national degradation. He said he had spoken of no secret documents, nor of a secret Cabinet, if any such existed; but he alluded to publications in the newspapers, from which we knew that we were under the necessity of making a treaty with Spain, under the dictation of France, or of going to war with both those nations. Was it not then a time of the greatest danger? He had, however, but little expectation, though the national honor required war, that we should be engaged in war. On the contrary, he believed that the old maxim of millions for defence, but not a cent for tribute, was about to be reversed.

Mr. Fisk.—With the gentleman just sat down, I apprehend there is some danger when gentlemen are so alarmed and bewildered in their imaginations as entirely to lose sight of the question of postponement before the House, and to go into the general principles and policy of fortifications, and when a mere question of policy is found to draw forth such a discussion. I did not expect, on such an occasion, that any gentleman would have so lost himself in the mazes of fancy as to make himself believe that he saw things which did not exist, and predict events which no rational man believes will ever take place. My colleague has said that we must suffer national disgrace, or have a war with Spain and France; that we dare not deny this and give the people the information we possess. I wish to know what information we have to give? I wish gentlemen to point it out. Has anything transpired, like that alluded to by my colleague, to warrant his assertion? Nothing of the kind has; there is no probability of war; appearances now are not so unfavorable as they were one year ago. To maintain peace with other nations, it is necessary that we should treat them with decent respect, and have some kind of confidence in them; there ought on our part to be manifested a disposition to keep peace. Is this the way to show such a confidence? To declare we are on the eve of a war while we are in the midst of a negotiation, which promises a happy one? I see no benefit in such observations; I discard them. Gentlemen seem to think fortifications of such importance that, if erected, they would protect the country from war, their ships from plunder, their seamen from insult and imprisonment. If fortifications could answer the good purposes stated, it would be proper to make them. But has experience decided in their favor? Look at the old world; let us profit by their examples. The nations of Europe have gone into extensive plans of fortifications and armaments. Have not war and devastation spread themselves from one end to the other of that continent? Have fortifications protected them? Have they not, on the contrary, been among the causes of the devastation and misery in that country? There is more reason for them in the old world than here. There every nation is surrounded by enemies and jealous of its neighbors, while here we are divided from the old world and powerful rivals by an immense ocean. When we were weak, and struggled through imminent danger to gain our independence, we then relied on the yeomanry of our country. In 1793 Great Britain insulted our flag and threatened us with the hostilities of the Indians. Did we then avert the calamity by fortifying or building navies? No, other measures were resorted to and proved successful; since which it has so happened that we have experienced the blessings of peace and happiness beyond any nation on earth. I will ask whether we are in more danger now than in 1793? If not, where is the necessity of those expensive measures?

In 1798 France threatened us with war. We did not then carry on fortifications to any great extent. We have been progressing ever since in strength and numbers, and yet we are now called on to fortify when we are not threatened by any nation.

I presume the great body of the yeomanry, whenever their rights are invaded, or danger offers, will be ready to meet and repel it. Formerly we depended upon them, and we were not disappointed. I believe, if danger were now to present itself, we should not be disappointed.

Gentlemen say we ought to inspire our people with confidence. Is this the way, by exciting a clamor of imaginary danger, and telling them they can only rely on fortifications?

Mr. F. said he would have no objection to ordering two or three of the public vessels to New York, where, in case of danger, they might be manned by their own seamen. But he did not see at present the necessity of the measures asked, or the existence of the danger pointed out. He was in favor of the postponement.

Mr. VAN CORTLANDT said this subject was highly important, as it respected the safety of the country. He did not wish the measures of defence entirely confined to fortifications. They had a number of vessels of war, which he thought might be advantageously used as circumstances might require. Let then the sum that is proposed be appropriated, and let the President use it as he pleases, either in gunboats or fortifications. He was against the postponement; that the sense of the House might be tried on the motion he had the honor of submitting.

Mr. THOMAS said, if the motion to postpone was persisted in, he should be under the necessity of asking the yeas and nays, as it went to involve the main proposition. He could not, he said, tax the gentleman from Maryland (Mr. LLOYD) with a design to defeat this measure in an unfair way, as he had declared himself against it in any shape in which it could be presented to the House. Gentlemen, however, would recollect that this measure had been recommended by the President at the opening of the session—that it had been referred to a select committee who had not reported until sometime in January—that it lay on the table in consequence of the indisposition of the chairman of this committee—and that after more than two-thirds of the session had passed it was at last taken up for consideration. Under these circumstances, though the measure is yet in a perfectly immature state, and when there was but four weeks of the session remaining, a motion is made to postpone it for half the remaining time. Could gentlemen look at these circumstances and not see that the motion was evidently intended to defeat the whole measure?

Mr. LLOYD said he would most cheerfully join the gentleman from New York in calling for the yeas and nays. It was never his wish to vote in conclave, and if every man in America were present, he should speak and vote as he then did. It was an unpleasant thing for him to be again under the necessity of assigning his reasons for this motion. His colleague had reported the resolutions under consideration, and had voted for every part of them. If, therefore, gentlemen would consent to wait until he should return, they would have one more vote for them. It was obvious that this would be the strangest reason on earth, for making his motion, if his object were to defeat the resolutions. His primary motive for the motion had been to give his colleague an opportunity of vindicating the arguments he had urged on this subject. Mr. L. said the arguments of gentlemen in opposition had furnished him with additional motives to postpone the subject. They tell us that war is impending. For his own part he saw no reason for this opinion; but a short delay might throw some light on this point, and might, if such an opinion appeared to be well founded, induce those at present opposed to the resolutions to vote for them. If the existence of danger could be satisfactorily shown to him, he would go as far any man in defending the country. But without such proof, he would never consent to be lavish of thousands.

Mr. L. said that he did not pretend to possess any military knowledge. He was willing to allow Colonel Williams all the merit claimed for him. So far as respected the principle of a fortification, his opinions were no doubt correct. But, allowing his premises, was he to infer that the United States were competent to fortify a coast of a thousand miles in extent? If it were intended to fortify the whole coast, he would ask where were the funds? Because we will not defend the whole coast, are we to be told that the people are not protected? Because we do not accomplish that which is impossible, are we to be charged with a disregard to the interests of the nation?—when every man knows that it is impossible to defend the seacoast without a vast standing army and an enormous expense, which the nation is not now able to bear? So far from the omission to do this alienating the affections of the people from the Government, he thought that the measures urged by gentlemen would be the most effectual means of alienating them.

Mr. MASTERS.—The Representatives from New York have not contended for partial appropriations, as many gentlemen seem to suppose. They contend for a much larger sum to be appropriated than is now filled in the blank of the resolution, to enable the President to begin and complete permanent works for fortifications at the most important and defenceless places. The last session of Congress a large number of petitions was presented to this House relative to fortifying the port and harbor of New York; the Legislature of that State instructed their Senators and requested their Representatives to use their best endeavors to induce Congress to fortify and defend the port and harbor of that city; which must be admitted is in a defenceless situation, and can be approached by water from two different points, and laid under contribution by a single frigate. The decision of this House was then against us. The applications from the city of New York have been renewed; almost innumerable petitions are before you, and what are we told? Rather than fortify, gentlemen would sooner see our citizens flee to the mountains for protection. Yes, sir, like the Arabs; behold the picture! 70,000 men, women, and children, in one city, fleeing in confusion from their homes. Never, never, let it again be said that Americans must flee before an enemy for the want of the protection of your Government. If they must flee, let it be at the point of the bayonet, with force opposed to force.

It is painful to me to see the disposition of this House so hostile to everything that looks like a systematic policy of permanent national defence. The additional sum of $20,000, added to the unexpended balance of the last year, is so contemptible a sum, that it has the appearance of ridicule on your petitioners.

Was there ever a civilized nation under heaven, in the same circumstances, who so completely neglected to fortify their principal places and most vulnerable points? We are constantly insulted and constantly in treaty with other nations, year after year, in order to settle differences and preserve peace. Yet we pursue no efficient measures for fortification and defence. The most part of our seaport towns from Georgia to Maine are liable to be laid in ashes by the most insignificant force. If you expect to enjoy your independence and liberty, you must protect that independence and liberty; if you enjoy inalienable rights, you must protect and defend those rights, or the enemies of our republican institutions will ridicule your Government, and laugh at your weakness; which, indeed, they have already done. I hope that neither the position of this House nor the Gods will invite traitors, conspirators, pirates, and picaroons, to glory and fortune, at the expense of the interest dignity, and honor of this nation.

The report of the Secretary of War would seem to carry the idea, as though great things were doing for New York; but this is to be tested by the expenditure and appropriation. Some gentlemen say that the Secretary of War is the proper organ and source of information on this subject, and he does not want any further appropriation for fortifications. If this is his opinion, or that $20,000 can be useful, or answer any valuable purpose, or that the nation ought not to be fortified; then I say it is time, high time, that the good old patriot retire from the War Department. I say it, and as an independent Representative, have a right to say it, for such is my opinion. I am for a regular system of national defence, the Secretary of War to the contrary notwithstanding.

Mr. Van Rensselaer.—I am against the motion for postponement. Although I have no reason to believe that any observations I can offer will alter a vote given in the Committee of the Whole, I consider it a duty incumbent on me to deliver my sentiments on the general question now before you. The sum of $20,000 has been voted for fortifying the ports and harbors of the United States, and $250,000 for building gunboats. The peculiar situation of New York requires a speedy decision—not that I calculate on the present appropriation as an object by which it will in the least be benefitted, but I think it of the first importance the citizens should know the fate of their application to Congress for an appropriation adequate to fortifying the port "against national hostility and predatory incursions," a port that renders to your Treasury above one-fourth of the whole revenue of the United States. The friends of this measure are peculiarly unfortunate, whenever this question is discussed on the floor of Congress, from the manner in which it is treated. For they are told, that it is the height of folly to fortify, inasmuch as the sum requisite will be enormous, and after all an army can land and subdue the fortresses. If we ask for fortifications that will inspire confidence and render our city secure against the attack of a picaroon, we are told, by the opposers of fortifications, that there is a profound peace, and no danger to be apprehended. If I understand anything respecting our public relations, this proposition is fallacious and dangerous. For so threatening is the aspect of our affairs, that the whole nation is alive with anxiety about the result. But let us admit for a moment that we have no cause of apprehension from abroad. Are there no other considerations that merit attention, and call for a generous appropriation towards securing the city of New York against an attack on the property of its citizens and its banks? Have we not within less than twelve months seen an extraordinary armament fitted out in our ports to invade some of the Spanish provinces in South America? I mean, sir, the Miranda armament; and have we not been told from the highest authority, recently, that an enterprise has been formed, and movements made either to sever the Union, or invade Mexico from your own territory, and by your own citizens? An enterprise, and movements that have excited and continue to excite such great sensibility within these walls, as well as through the Union, which if any person had predicted eighteen months ago, he would have been called a madman. And will gentlemen persist in saying that it is folly for us to guard New York against possible and probable events? What is the object of Miranda and Burr's expeditions but money? What gives life to their armaments but the dollars of Mexico and the wealth of Peru? Can any man suppose that Burr, or Miranda, could find followers in an expedition to the inhospitable regions of Cape Horn? Would it surprise you more, Mr. Speaker, to hear that a set of renegado Americans, or blacks from the island of Hayti, had laid New York under contribution with an armament (in its present defenceless state) than that Miranda should attempt to conquer South America with one armed ship, and Burr sever the Union, or invade Mexico by your own citizens? Notwithstanding the armament has failed, and the expedition is crushed, yet, sir, I undertake to say, that our fears are not groundless as to the possibility of plundering the city of New York, should an armed force have the audacity to attempt it. Among other arguments offered against fortifying New York, we are told by an honorable gentleman from North Carolina

(Mr. HOLLAND) "that the severity of warfare has been much meliorated, and that cities are not burnt by shipping, or laid under contribution." To this I reply that every seaport town in Europe is well fortified, not with a view alone to resist the fleet of an enemy, but to prevent a corsair or picaroon from annoying or molesting them. We hear frequently something said on this floor about a survey of the port of New York, and the estimates of the cost of the contemplated works. I know that a survey of the port and harbor of New York has been made the last Summer, and that it is to be found in the War Office. Why it has not been laid before Congress is not for me at present to explain, but it is sufficient to say that we have no official information about the soundings of the channel from the sea to the city, or about the elevated ground and islands that may be the most suitable sites for fortifications, and the money necessary to erect them. I contend, sir, that new works ought to be erected, and that the fortifications on Governor's Island are inadequate to defence. Fort Jay, on that island, is a square fort composed of a sodded rampart and wooden parapet. Of the front next to New York, not one gun through any of its embrasures could hit a ship on East river, and the whole courtine could fire no where without endangering the city, for this fort no doubt originally was intended by the British to awe the city. The rampart is merely a bank of sand, and the wooden parapet is a mass of rotten timber. The last Summer a skilful engineer has enclosed the whole, and to take off the destructive fire of the courtine towards the city a ravelin has been executed which now gives two directions, one towards the East river, and the other ranging the front of the city battery towards the entrance of the North river. Will it be said, sir, that a work like this is adequate for defence? But here we are told by an honorable gentleman from South Carolina, that the sum of $20,000 is an ample sum to fortify the ports and harbors in the United States for the year 1807, inasmuch as $102,000 remain unexpended of $150,000 appropriated last year, added to $70,000 in the general appropriation bill. Here I trust the gentleman will permit me to correct him. The seventy thousand dollars have already been expended for the Army, and as to the $102,000 said to be in the Treasury, we find, in a letter dated 12th December last, from the Secretary of War to the chairman of the committee appointed "on so much of the President's message as relates to the repairs of fortifications, and to the further protection of our ports, towns, and rivers," that the fortifications intended to have been erected at Charleston, South Carolina, had not been commenced, owing to a disappointment in fixing the proper site, and that at New Orleans the same disappointment had occasioned the same delay in the erection of works there. And can it be said that these new fortifications will leave one cent unexpended out of the $102,000? No, sir, the sum will be found inadequate. And suppose the whole is not laid out there, does it follow that the overplus will be laid out at New York? The appropriation was general for all the ports and harbors. If the sum of $20,000 voted in Committee of the Whole, for the current year, were laid out on Fort Jay, it would only enable your engineer to do as he has done—patch up.

If you do not mean to render the place inaccessible by a large naval force, three to four hundred thousand dollars is the least sum requisite, provided you mean to erect one or two additional works on the islands near the channel as you approach the city, to guard the place "against predatory incursion." Last year the Executive of the State of New York addressed the President of the United States on this subject; the Legislature of the State instructed their members on this floor; the corporation of the city of New York and its citizens, without distinction of party, petitioned Congress to fortify their port and harbor. What did you do? Little or nothing. This session, the corporation, with the citizens, have renewed their application. Is it to be presumed, sir, that the mayor, aldermen, and common council of a city like New York, who are generally composed of men of talents, and respectability of character in society, would ask for a grant of money to fortify, unless it was necessary and practicable? Need we confine ourselves to the State of New York for an opinion on that subject? No, sir, I find that the President, in his Message at the commencement of the session, says, "that a further appropriation will be necessary for repairing fortifications already established, and the erection of such other works as may have real effect in obstructing the approach of an enemy to our seaport towns, or their remaining before them."

I entreat gentlemen to notice this part of the Message, which I hope will have some weight, if the memorials have none. But, sir, I almost despond in the apprehension that this session will close as the former did—nothing done for New York.

We hear gentlemen from the South say, we cannot consent to lavish the treasure of the Union in fortifying your port and harbor; others say that it will do no good. This, sir, is language that we understand, and language which leaves us no room to hope that anything effectual will be done. But, let me tell gentlemen that this conduct will have a more serious effect than they are aware of. The States to the South have, for a series of years past, had every grant of money that was called for; even six thousand dollars have been appropriated for a horse-path, which is more than New York can expect out of the $20,000 you mean to appropriate for the current year for fortifications.

Can gentlemen be serious when they say this is correct? The citizens of New York say that they cannot, in submissive silence, suppress the feelings which arise out of their condition. If they could, they would be more or less than men. Strong in the consciousness of right, and in the sentiment of freedom; conscious that they have performed towards the Union all the duties of faithful citizens, they claim in return, the performance of that great duty of government, protection; deny them this, and they will have great reason to believe, that nothing but war or insurrection will make you go.

When New York entered into the compact with the Union, her abundant revenue afforded her ample means of defence. She had not then occasion to ask any of her sister States for assistance; but, for promoting the general welfare, and relying implicitly on the protection of the Union, she yielded her means of defence, confident that it would be afforded to her. In this I am sorry to say that she has been disappointed. The supreme executive and legislative councils, with all classes of citizens, have implored your protection; have warned you of your engagements, and demanded their fulfilment. To all this you have turned a deaf year. You have not only refused their prayer, but have sported with their anxieties and ridiculed their apprehensions.

The question was then taken on postponing the resolution to Monday week, and disagreed to—yeas 40, nays 76, as follows:

Yeas—Evan Alexander, Willis Alston, jun., John Archer, David Bard, Joseph Barker, Burwell Bassett, William W. Bibb, Robert Brown, John Boyle, William A. Burwell, John Claiborne, Frederick Conrad, Leonard Covington, William Findley, James Fisk, Peterson Goodwyn, Edwin Gray, Andrew Gregg, John Hamilton, Jas. Holland, Walter Jones, Edw. Lloyd, Matthew Lyon, Duncan MacFarland, David Meriwether, Thomas Moore, Jeremiah Morrow, Gideon Olin, John Rea, of Pennsylvania, Thomas Sanford, Ebenezer Seaver, John Smilie, Henry Southard, Richard Stanford, Abram Trigg, John Whitehill, Robert Whitehill, David R. Williams, Alexander Wilson, and Joseph Winston.

Nays—Isaac Anderson, George M. Bedinger, Silas Betton, Barnabas Bidwell, John Blake, jun., Thomas Blount, James M. Broom, George W. Campbell, John Chandler, Martin Chittenden, Joseph Clay, George Clinton, jun., Orchard Cook, Richard Cutts, Samuel W. Dana, Ezra Darby, John Davenport, jun., John Dawson, Theodore Dwight, Elias Earle, Peter Early, James Elliot, Caleb Ellis, Ebenezer Elmer, William Ely, Isaiah L. Green, Silas Halsey, Seth Hastings, David Holmes, David Hough, John G. Jackson, Thos. Kenan, Nehemiah Knight, John Lambert, Joseph Lewis, jun., Henry W. Livingston, Patrick Magruder, Robert Marion, Josiah Masters, William McCreery, John Morrow Jonathan O. Mosely, Gurdon S. Mumford, Jeremiah Nelson, Thomas Newton, jun., Timothy Pitkin, jun. John Porter, Josiah Quincy, Thomas M. Randolph, John Rhea of Tennessee, John Russell, Peter Sailly, Thomas Sammons, Martin G. Schuneman, James Sloan, Dennis Smelt, John Smith, Samuel Smith, Joseph Stanton, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, David Thomas, Thomas W. Thompson, Uri Tracy, Philip Van Cortlandt, Killian K. Van Rensselaer, Joseph B. Varnum, Daniel C. Verplanck, Peleg Wadsworth, Matthew Walton, Eliphalet Wickes, Nathan Williams, and Thomas Wynns.

COLLECTION DISTRICTS.

Mr. Early, from the Committee on Commerce and Manufactures, to whom were referred the petition of sundry inhabitants of the towns of Stonington and Groton, in the State of Connecticut, and the petition of sundry inhabitants of Pawcatuck, in the State of Rhode Island, made the following report:

The petitioners pray that a new collection district may be formed, to include Stonington and Groton, in the State of Connecticut, and Pawcatuck, in the State of Rhode Island, together with certain shores and waters adjacent; and that Stonington may be made the port of entry thereof.

This is an application which, if granted, will lead to an invasion of a principle in the arrangement of the collection districts of the United States, heretofore so tenaciously adhered to, that but a single exception has ever been made to it. The principle is to avoid forming a district out of different States. The exception is in the annexation of the towns of Kittery and Berwick, in the State of Massachusetts, to the district of Portsmouth, in the State of New Hampshire, leaving, however, vessels bound to the former places the option of making their entry at York, the nearest port of entry in the former State. Such an option will be indispensable in every case of the kind, to avoid an infraction of that provision in the Constitution, which declares that vessels bound to or from one State, shall not be obliged to enter, clear, or pay duties in another; and the necessity for such an option it is that raises, in the opinion of the committee, an insuperable objection to the present application, as being embarrassing to the officers and hazardous to the security of the revenue.

The committee have not been able to discover the reasons which dictated the arrangement in the solitary case above-mentioned, but they cannot consider it otherwise than as a dangerous precedent. They submit the following resolution:

Resolved, That the prayer of the memorialists ought not to be granted.

Referred to a Committee of the Whole on Monday next.

The House then adjourned.

Thursday, February 5.

Mr. Lewis, from the committee to whom was referred, on the second ultimo, the Message of the President of the United States, of the fifteenth of December last, communicating a report of the Surveyor of the Public Buildings at the city of Washington, presented a bill making appropriations for finishing the south wing of the Capitol, and for other purposes; which was read twice and committed to a Committee of the Whole tomorrow.

Mr. Early, from the Committee of Commerce and Manufactures, to whom was referred the amendments of the Senate to the bill for surveying the coast of the United States, reported their agreement to the same, in which the House concurred—ayes 58.

The amendments extend the survey to the Gulf of Mexico, and appropriate $50,000 for the same.

On motion of Mr. Stanton, that the House do come to the following resolution:

Resolved, That a committee be appointed to inquire into the expediency of making provision, by law, to authorize the President of the United States to cause to be erected, in suitable places, on the margin of the ocean, at his discretion, not exceeding —— arsenals and docks, for the accommodation and speedy repairing of public armed ships and vessels that may be rendered unfit for service by gales of wind, or in action with the enemies of the United States; and that they have leave to report by bill, or otherwise:

The House proceeded to consider the said resolution and the same being twice read, was, on the question put thereupon, disagreed to by the House.

NATIONAL DEFENCE.

The House resumed the consideration of the unfinished business of yesterday, being the report of a committee on fortifying our ports and harbors.

The question was taken on the amendment offered by Mr. VAN CORTLANDT, which was disagreed to—ayes 51, noes 54.

The question then recurred on filling the blank in the 2nd resolution with "$250,000," for building fifty gunboats.

Mr. MUMFORD.—I hope a majority of this House will agree to strike out the whole resolution respecting gunboats, with a view to appropriate that money to solid and durable fortifications. I was opposed to it in Committee of the Whole. I did then, and do now consider, that there is no necessity for any more gunboats. There are, in my opinion, a sufficient number already for the Southern sections of the Union, for which places they appear to be only adapted, except in a very few places to the North, where there is shoal water. They may answer a very good purpose in shoal water, but are inadequate for the defence of your ports and harbors to the north of the New Jersey shore; and I very much doubt, whether, in a gale of wind, they would not even sink at their mooring at the entrance of either of the harbors of Portsmouth, Salem, Plymouth, Newport, or New York.

It has been asserted that this was an electioneering scheme, and that as soon as our Spring elections were over, no more would be thought of it, until the next election. I wish, sir, to put this question to eternal rest, by stating the plain matter of fact. Why, sir, it has been considered of so serious a nature in its consequences, and of so much importance, that the Legislature of the State of New York, in their last session, did enter into formal resolutions, instructing their delegation, in both branches of the Legislature of the United States, to use their utmost endeavors for the defence and protection of the port and harbor of New York—the whole State is alive on this subject—and the memorials now lying on your table from the Mayor and Corporation of that city, together with the petitions from the citizens of all political parties, tend to one and the same object, protection to their persons and to their property—there is not, there cannot be any dissenting voice with them on this subject.

The gentleman from Pennsylvania on my right says, he would not defend your Atlantic shores if it was to be done with ships of war. I have too good an opinion of that gentleman's patriotism, to indulge even the idea that he can possibly be serious, to suffer his friends and fellow-citizens on these shores to be forsaken and abandoned to their fate. I will assure that gentleman, if his part of the country were attacked by any enemy, foreign or domestic, from the Western country, or anywhere else, I will vouch that he shall have every protection and aid New York can afford.

Mr. SMILIE said he was willing to divide the appropriation; to apply $150,000 to the building of gunboats, and $100,000 to the fortification of New York.

Mr. THOMAS observed that, to get at this course, it would be proper in the first instance to disagree to the proposition to fill it with $250,000.

Mr. COOK hoped they would disagree to this proposition. He believed that $250,000 was a larger sum than was wanted for the fair trial of the experiment whether gunboats would be efficacious. They were not, he added, held in much repute in the Eastern country,

The filling the blank with $250,000 was disagreed to—ayes 4.

Mr. THOMAS moved to fill the blank with one hundred and fifty thousand dollars.

Mr. J. RANDOLPH hoped this motion would not be agreed to. He was too unwell to go far into the subject, but he would ask the House whether they were acting with their accustomed caution and distrust, where the expenditure of public money was involved? He thought not. If he were convinced that the expenditure of $150,000, or even $1,500,000 would answer the proposed end, he would cheerfully give it. But, as had been observed, the system of gunboats was matter of experiment, and if they should eventually turn out good for nothing, the House would be of opinion that they had vested as large a capital in a worthless project as would be deemed necessary. He would not undertake to say they were good for nothing—far from it. But there was no information before the House which entitled him to say they were good for much. When you compare, said Mr. R., the lavish appropriation made on this subject in Committee of the Whole, and view the economy this House always practises on every branch of expenditure, relative to the regular army and navy, looking with an eagle eye on every dollar before they part with it—it surprises me to see them voting away hundreds of thousands of dollars for a species of vessel, which, in all human probability, may be used for river craft in a few years. One thing has been ascertained. Ships of war are defensive and offensive, too, but the House will vote no money for an addition to them. I do not censure them for it; but if they will not appropriate for objects, the physical powers of which are ascertained, why vote the public treasure by handfuls for vessels, the powers of which have never been tried? Let the experiment be made, and, if it succeeds, let us appropriate liberally; but, till then, let us not vote more money than has been already appropriated. I believe there is one situation in which they may be useful—in the Mississippi. I wish, however, not to be understood as speaking as a man of science on this business. I only wish some evidence of the value of this machine, before I vest so large a capital in it. I hope, therefore, the blank will not be filled with $150,000. As it has been stated, I think it will be extremely disproportionate to vote $20,000 for the fortification of all our harbors, and $150,000 for gunboats.

Mr. Stanton said that, in the last French war, a system of this kind had been adopted, and had proved highly beneficial. In a calm, two gunboats would sink a frigate, and if they were obliged to retreat, they could run out of danger at any time.

Mr. J. Randolph rose for information. He wished some gentleman, acquainted with the subject, would inform the House what number of seamen would be requisite to man these gunboats in case they should be built; not merely to sail them along the coast, but to fight them; and what number of seamen would be required for other vessels. Where could be the use of building, if it were not intended to man them? Was it not evident that, in a few years, they would rot, and the money expended upon them be lost? He said he might be wrong, and he hoped if they were built, he should be proved to be so.

Mr. Smilie said, it was true that he was neither a military nor a naval man, nor did he pretend to say that gunboats were the best means of defence. The proper departments, however, ought to be the best acquainted on this subject, and they were of opinion that this species of defence was necessary. Whether they were right or wrong, he would not pretend to say; but he would observe, that the Secretary of the Navy had informed them that the President had deemed it expedient to authorize the building of sixty additional gunboats. Now, whether the President or the Secretary of the Navy was competent to a correct decision on this point, he did not know. This was, however, clearly their opinion. He did know, however, that it was their duty to provide the necessary means; and if they granted but half the sum required by the President, it appeared to him it would be descending as low as was proper under existing circumstances.

Mr. Elmer said that, under existing circumstances, he was opposed to appropriating 150,000 dollars to building additional gunboats. The House had determined that they would not authorize the President to man those already built. It appeared to him very bad economy to suffer the public vessels to lay in dock, and to build other vessels, the utility of which was not ascertained. There might be situations in which gunboats would be useful, but had they not enough of them already? If it should be ascertained that thirty or forty gunboats should be wanted for any particular purpose, Mr. E. said it might be prudent to authorize their erection. He said, he had been in favor of giving authority to the President to man and equip the armed vessels and gunboats. The House had, however, refused this. If, then, they would not authorize the President, whatever the emergency, to man the present vessels, why build additional vessels?

Mr. Holland was opposed to filling the blank with so large a sum. He was also opposed to giving authority to man the armed vessels. The nation was in a state of profound peace, and he did not see that these vessels would have anything to do. He was opposed to this appropriation on another ground. He believed, whenever the necessity should occur, they would be able in one, two, or three months, to build as many gunboats as would be wanted.

Mr. Gregg said, from the discussions which had taken place, and the votes of the House, there might be a propriety in postponing the business for the purpose of obtaining information. For his own part, he was willing to acknowledge that he was altogether in the dark. He did not know in what situation gunboats would be useful, or the number of men required to man them; nor did he know whether land fortifications were necessary, in connexion with them, to defend the port of New York. Before he could act understandingly on the subject, it was necessary for him to have this information. Some gentlemen say that gunboats will answer valuable purposes, while there are others of opinion that there are so few places, on the coast of the United States, where they will answer, that a small number of them will be sufficient. I believe, said Mr. G., under these circumstances, that it will be best to postpone the further consideration of the subject, and, in the meantime, call on the Secretary of the Navy to say at what points gunboats will answer, together with the number of them necessary, and on the Secretary at War to say whether he is in possession of any plan for the protection of New York, together with its expense, and the number of men required. It will be next to madness to erect fortifications without putting in them sufficient men to keep them in repair. Many fortifications, commenced some years ago, for want of this provision, are now as useless as if they had never been begun. Mr. G. said, he was particularly desirous to obtain information from the Executive as to the practicability of defending the port of New York. If it could be defended, he would not be backward on the subject.

Mr. Fisk hoped the motion would prevail. Experience had proved gunboats to be useful. In their late war with Tripoli, they had been obliged to borrow a number of them, which had proved not only an instrument of defence, but likewise of offence. It was true, also, that, in other cases, they would be useful. Indeed, they appeared to be peculiarly adapted to the United States, who had a large extent of seacoast and numbers of shoals, enabling them to act with effect; that they would rot in time was true; it was also equally true that other shipping would rot; and that the loss of fifty or sixty gunboats would not be equal to that of a single frigate. It was also equally true that gunboats did not require the same expense in manning and equipping as other vessels; they were also so situated as to be capable of being instantly manned, which was not the case in regard to other vessels. The Secretary of the Navy had stated the number of men necessary for each gunboat at twenty-seven. Take three hundred and fifty men as necessary for a frigate;

of course thirteen gunboats will not require more men than one frigate. Mr. F. said, he thought gunboats, in every point of view, the preferable defence. The Secretary of the Navy had stated sixty gunboats to be requisite. For the purpose, however, of accommodation, it is proposed to lessen the number of gunboats to thirty, and to apply the remaining sum to fortifications. He hoped this motion would prevail.

Mr. Early moved to postpone the further consideration of the second resolution to Monday week. In common with other members, he felt the necessity of information, before he agreed to carry further the system of gunboat defence. It appeared from the report of the Secretary of the Navy, that there were built, or on the stocks, seventy gunboats. He, for one, was of the opinion that this was a number amply sufficient, to justify the requiring at least some information on the subject, either as to the ports capable of being defended by them, or their general capability of yielding defence to the United States. All the information before the House was embraced in a single paragraph, giving the opinion of the President, that it was expedient to build sixty gunboats. The House had already determined the question of manning these gunboats; even if they should be built, they have determined not to make an appropriation for that purpose. Mr. E. said, to build, without equipping or manning, appeared to him to carry on the face of it a wanton extravagance. Are they to be suffered to lie not only unmanned, but unprotected? He presumed that no gentleman contemplated this; and yet the House had refused any appropriation for manning or equipping them.

On another account, Mr. E. considered this measure improper. Where was the occasion, or necessity, of this expense at this time? He knew they had, on some recent occasion, an alarm sounded in their ears as to the probability of being engaged in war. But, for himself, he was ready to declare that he did not, in the smallest degree, see the probability of such an event. On the contrary, so far as he was enabled to judge, from official information, he did not recollect any period of the Government when there was less cause for such apprehension. Whether, however, the measure was necessary or not, he presumed all gentlemen would agree in the propriety of obtaining information.

The motion to postpone was disagreed to—ayes 49, noes 58.

Mr. G. W. Campbell said he was in favor of filling the blank with $150,000, as from all the official information before the House this appeared to be the best mode of defence which had been devised. He observed that some time since a majority of the House had considered the gunboat system as the best means of defence. He would ask gentlemen who were then in favor of this system, and were now opposed to it, what reasons they had for their change of opinion. If the President and Heads of Departments were of opinion that such a number of gunboats was necessary, as had been named, he would ask them what reasons they had for thinking a smaller number sufficient, and whether the mere *ipse dixit* of a member of this House ought to stand in competition with the deliberative opinion of the heads of departments? They were peculiarly responsible to the nation, and must be considered as having taken more pains to inform themselves on such a subject than an individual member of the House.

Mr. C. said he considered some of the arguments urged on this occasion unfair. It had been asked what comparison there was between appropriating $20,000 for the protection of our ports and harbors, and $150,000 for building gunboats? The truth was, that for repairing our ports and harbors, there had been appropriated not merely $20,000, but at least half a million, a considerable part of which remained unexpended, to which the sum of $20,000 was only proposed to be added. Mr. C. said, as he understood the subject, gunboats were intended to supply the deficiency existing in other fortifications. It was the opinion of some of our best informed men that some of our ports could not be defended by batteries, and the system of gunboats was consequently brought in aid of fortifications. But it was asked whether we should build these boats without manning them. Mr. C. said he could scarcely view this as a serious argument. Was the inquiry made with regard to batteries? The answer made by gentlemen on that subject is, that in case of danger we will man them. The same answer might be given in the case of gunboats. The answer was as complete in one case as in the other. The only true inquiry was, whether in case of an attack we have a sufficient number of gunboats? It was true they might rot, and so also might frigates and fortifications. If this mode of arguing was correct, it afforded sufficient grounds for putting down all the armed vessels of the United States.

Mr. Pitkin, in reply to Mr. Fisk, observed, that he had compared the estimates of a frigate and gunboats, from which he inferred that the equipment and annual expense of a frigate of 44 guns, compared to that of gunboats, was as eighteen to one.

Mr. Elliot said, that if the opinion of the President should be complied with, there would be one hundred and twenty-nine gunboats built, which in actual service would transcend the expense of the Navy of the United States, and would cost more than a million of dollars. Mr. E. said he considered the reproach cast upon those who were formerly the advocates of gunboats as strong evidence of their inutility. Gunboats had been lately thought much of; what was the result? That gunboats might be considered as a kind of vessel guarding a little deposit of national spirit, if any there was left to put on board; but as soon as they were assailed by the wind or waves, their maiden purity was gone. They were of no use whenever there was wind or tide, and could only float in a time of profound tranquillity.

Mr. Alston said he possessed little information with regard to the advantages or disadvantages that were likely to flow from building the number of gunboats that was proposed. He merely rose to ask the attention of gentlemen to the grounds taken at the last session. The building of gunboats had been instituted on the recommendation of the President made at the last session. Gentlemen would there find the reasons on which that system had been begun. They were not intended to be set afloat on the ocean, to commit depredation or attack vessels at sea, but as an aid and support to our fortifications, and to prevent an enemy from annoying our seaports. It was, he believed, the opinion of the House at the last session, that gunboats constituted the best system that could be devised for this purpose. Mr. A. said he had since seen no reason to change his opinion on this subject. He trusted in God the time would not arrive when these gunboats would be called into operation. But could this in fairness be considered as an argument against them? This system of defence having been adopted, before it was abandoned gentlemen ought to show their inutility. The language of the President on this subject was stronger than any he could use. He would, therefore, take the liberty of laying it before the House.

> "I cannot, therefore, but recommend such preparations as circumstances call for. The first object is to place our seaport towns out of the danger of insult. Measures have been already taken for furnishing them with heavy cannon for the service of such land batteries as may make a part of their defence against armed vessels approaching them. In aid of these it is desirable we should have a competent number of gunboats, and the number to be competent must be considerable."

Mr. **Smilie** said he had voted for the postponement, to give gentlemen an opportunity of getting information. He had not heard a single gentleman on either side profess to have any information with regard to the power of gunboats. Was it not then singular, that when this measure was recommended by the proper officer, and every member acknowledged his ignorance, that it should be objected to? It was not their duty to be minutely acquainted with the subject; he would respect the opinions of those who were best acquainted with it. He said he had been informed that our naval officers were of opinion that gunboats were the best system of defence, and it was evident that so far as they had been under the necessity of using them, they had not been disappointed in their expectations.

Mr. **Early** moved to postpone the further consideration of the resolution until this day week.

Mr. **Lloyd** said he should have no objection to the postponement, if he knew any mode of obtaining the information desired. It appeared that the Committee had applied to the Secretary of the Navy, who ought to possess full information on the subject. What was his reply? Waiving altogether the expression of his own opinion, he merely confined himself to stating that the President thinks it expedient to build sixty additional gunboats. Whence, then, were they to get the information that was desired, to enable them to determine whether gunboats are a proper defence for the United States? They might apply to the President or the Secretary of the Navy, and get information from them that they think them necessary. Mr. L., however, said that he was of opinion that they ought to judge on this subject from what had already taken place. For himself he was free to declare that he was opposed to the gunboat system. He had carefully attended to the arguments of gentlemen, and to what did they amount? Have they adduced an argument to show their utility, or produced an instance to show where they have been useful? It has been said that their utility is established by the use made of them against Tripoli. But he would ask whether they would have been of any use if the vessels of Tripoli had left the shore? It was admitted that gunboats were not useful on the ocean. It was evident, then, that they were building a navy for a state of perfect calm; and were gentlemen disposed to expend millions for vessels that would be only useful under such circumstances?

It is said, however, that they will aid our fortifications. To this, however, it might be replied, that it would be high time to build them after the erection of the fortifications. Several years have elapsed since the first gunboats have been built, and what have they done? Have they, in a single instance, proved themselves to be of the least utility? Let us, then, until they are proved to be useful, refrain from building any more.

Mr. L. concluded by observing that when he heard arguments weak as these to induce them to adopt this measure, they were sufficiently strong to convince him that it ought not to be adopted.

Mr. **Early** observed that the only information received from the Executive on this subject was as to the number of gunboats in their opinion requisite. This was not the point on which at present they wished for information. He added, that if they got no further information, he should withhold his vote from giving a single cent for this purpose.

Mr. **Mumford**.—The gentleman from North Carolina on my right, said that if any gentleman can show us any better mode of defence we shall be glad to hear it, and although I think it incumbent on him to show us the utility of gunboats, I will not detain the House but a few minutes to recommend what I conceive to be a far better mode of defence, I mean solid and durable fortifications that will last for ages, and block-ships similar to the draught now held in my hand, and which any gentleman may examine at his leisure if he chooses. Sir, the experience off Copenhagen is an evidence of their real utility. Witness the engagement with the British fleet and the Crown battery, (somewhat similar to the plan of Montalembert, recommended by me in debate yesterday,) and the block-ships. That fleet was actually silenced, and nothing saved the proud navy of old England on that memorable day but the game of flag of truce played off so successfully by the hero of Trafalgar; and when in order I shall move to adopt those block-ships in place of gunboats.

Mr. ELMER said he should vote against the postponement. as he knew of no information that could be obtained which would be of any service. Gentlemen in favor of this measure seem to confide solely in Executive information. If they were thus disposed to appropriate money whenever the Executive required it—be it so. He. however. believed that it was the duty of the House to get all the information they could obtain. and to act on their own judgment. and he should withhold his assent from completing the system begun the last year. Mr. ELMER here suggested. as the best mode of defending the port of New York. to fill up the channel within fifteen or twenty feet of high water mark.

Mr. CHANDLER said he was in favor of the system of defence by gunboats; but. since the gentleman from New York had proposed a new system of defence. he thought it would be best for the present to postpone the subject; and in the mean time to call on the Secretary of War to state what system had been adopted and pursued for defending the port of New York.

Mr. TALLMADGE said the question before the House had no connexion with the defence of New York; it was a proposition for building gunboats. Having been on the select committee that brought in these resolutions. he thought it proper to state that there had not in that committee been a unanimous opinion in favor of gunboats. He was himself entirely hostile to the measure. He saw no necessity for adding to the number already built. or authorized to be erected. They had thirteen gunboats fit for service. and fifty-six would be soon launched. It would seem to him better to comport with the system of economy. in the first instance. to finish and prepare these fifty-six for service. No reason had been assigned for the additional sixty that had been proposed. but the mere opinion of the President. Mr. T. said he did not wish to call in question the high authority attached to the opinion of the President. but he would wish to know whether any naval officer had recommended gunboats as a proper defence for the country. He did believe there were some particular circumstances under which they would be useful. and under this impression he had hitherto voted. But when he saw nothing but gunboats called for. he was placed under the necessity of refusing to grant a single dollar. It appeared as if they were contemplated to be relied on as the exclusive defence of the United States. and as if it were intended to let the frigates rot. He was opposed to the postponement. as he did not see the probability of obtaining any useful information not already before the House.

Mr. FISK said he was sorry to detain the House a moment longer. The gentleman from Connecticut had observed that he had fallen into a great mistake when he said the expense of eighteen gunboats was not more than that of one frigate. He had read a letter from the Secretary of the Navy to show the comparative expense of gunboat No 1, and the frigate Boston; but in this statement he had altogether forgotten to mention the expense of the marines. There was another circumstance which the gentleman had failed to notice—viz: that gunboat No 1. had cost between 10 and $11,000. and required about forty men to man her. while the boats at present proposed to be built would only require $5,000. and between a half and two-thirds of that number of men. On attending to these circumstances he would find that his estimate was very moderate. and that he might have said that a frigate would cost as much as twenty instead of eighteen gunboats. Another reason. however. had been urged by the gentleman against gunboats, which was their being contemplated as a substitute for the navy. Mr. F. said this was one of the strongest reasons that operated on his mind in their favor. It was unnecessary to man them until they were called into actual service. Not so with regard to the frigates. the seamen on board of which it was necessary should be very skilful. and which were consequently necessary to be constantly manned. Mr. F. said he did not feel very anxious on this subject, as he did not perceive any present necessity for increasing our armaments. But as measures of defence were pressed. he was decidedly in favor of adopting that mode which appeared to him the cheapest and the best. As to the objection which had been made with regard to the number of gunboats proposed, when they considered the numberless rivers in the United States. they would find there was scarcely one gunboat for each navigable stream. Mr. F. said he likewise preferred gunboats to frigates, inasmuch as they were not calculated to go abroad. He considered them as a valuable auxiliary to land batteries.

Mr. DWIGHT.—If either the plan of defending the city of New York, proposed by the gentleman from Vermont. who has just sat down. (Mr. FISK.) or that mentioned a few minutes since by a gentleman from New Jersey. (Mr. ELMER.) should be adopted, it is certainly unnecessary to postpone the consideration of the resolution now before the House. The gentleman from Vermont proposes to man the gunboats with militia. and says he is in favor of this system of defence, because it is both safe and cheap. Does the gentleman mean to man the gunboats with men from their farms. armed with spades and pitchforks? If he does, it will certainly be a safe kind of warfare; for such seamen will, the moment a ship of war appears in sight. make the best of their way ashore, and leave the gunboats to take care of themselves; and it will be cheap, for there will be no expense of blood or treasure. Why. you might just as well put militia to the performance of such feats upon the slack or tight rope, as were exhibited a few weeks since in this city. in the presence, and to the great entertainment of many members of this House.

But if we adopt the plan suggested by the gentleman from New Jersey. there will be as little reason for the postponement. His plan is, to fill up the entrance to the harbor of New York, by sinking vessels in the channel. The fifty-six gunboats which are already built, and which are on the stocks, will probably be sufficient for that purpose. At least, it will not be worth while to build any more until the experiment has been made. Should there prove to be a deficiency, should there not be enough entirely to fill up the channel, and prevent all access to the harbor; if the country can breed them as fast as the gentleman from North Carolina (Mr. Holland) seems to suppose, that is, two or three thousand in as many months, the deficiency will be readily and seasonably supplied. On neither ground then can the postponement be either useful or necessary.

Mr. Pitkin insisted upon it, that, according to the report of the Secretary of the Navy, eighteen gunboats in actual service would cost as much as one frigate.

The question was then taken on the motion to postpone, which was disagreed to—yeas 49, nays 56.

Mr. Eppes moved to postpone the consideration of the resolution until Monday. He said it would take but a short time to gain the information desired by gentlemen. If they could not get detailed information on the subject, the gunboats ought to be resigned to their fate. Mr. E. said he well recollected that some time ago a gentleman from Maryland (Mr. Nicholson) read to the House a number of papers in support of their utility, in consequence of which, and other information, the House had voted for them. Mr. E. said he was ready to vote for gunboats as the best defence that could be devised. He had never contemplated them, however, as answering the purpose of a navy. They had, on the contrary, been considered as a proper substitute for expensive fortifications. What would be the advantage of fortifications in the country generally, and particularly New York? Were they sure that expending even a million of dollars would make that place secure? What had they been told a few days since? That a single vessel would be able to lay the place under contribution. If this opinion was correct, it showed that some other defence must be resorted to for the defence of our ports and harbors. It was not, however, Mr. E. said, his intention to go into the dissussion. He was so hoarse that he could scarcely utter the few words that had fallen from him.

Mr. Smilie observed that they had got into a curious situation. There appeared to be three parties in the House. All those in favor of a fleet were opposed to gunboats. Some gentlemen were in favor of fortifications exclusively, while others were willing to go to a certain expense in fortifications combined with gunboats. This was his own wish. For his own part, he was ready to say, that if there could be devised no defence of the country except by a fleet, it should not be defended by his vote, and fortifications require so vast an expense, he should be against fortifying. But he believed, by combining gunboats and fortifications, the country could be defended at a moderate expense. Mr. S. said that he believed information in support of the utility of gunboats could be procured. If, however, gentlemen refused asking for this information, and were determined to break down the system of gunboats, let them take the responsibility upon themselves. He believed they would get neither gunboats nor fortifications.

Mr. Van Cortlandt said he observed that some gentlemen had said that the fortifications at present at New York were of no use. This, however, he believed was not the fact. Fort Jay could prevent a vessel from lying before it, and so far the fortifications were of great service. It was true, with a strong wind a vessel might pass. But what then? She could afterwards do but little injury. He granted that gunboats might be of some service to a certain extent, but they ought not to be relied on altogether. Batteries were useful to annoy an enemy, and in addition to them, some coasting vessels would be very serviceable for the purpose of keeping off disorderly and unauthorized persons, such as they had recently seen. He said he should vote for filling the blank with $150,000, for the purpose of building gunboats, though he did not believe they would prove to be of such use as some gentlemen seemed disposed to imagine. But as gentlemen had declared they would not vote for fortifications without gunboats, he was willing to vote for both.

Mr. Cook said they had only nine hundred and fifty seamen at present on the peace establishment. They had thirteen gunboats already built, and fifty-six others building. When completed these would require one thousand and seventy men to man them. But of what use would gunboats be unmanned? He was willing to agree to a short postponement for the purpose of obtaining further information.

Mr. Thomas said he rose to correct a remark of the gentleman from Virginia, that a million of dollars had been expended on the port of New York. The fact was that the General Government had only expended about $100,000.

Mr. Eppes said he had observed that from information which he had received, he believed the sums expended on the port of New York, including what had been laid out by the State, amounted to near a million.

Mr. Thomas said he was willing to acquiesce in the postponement till Monday, as so short a delay was not calculated to embarrass the measure. In reply to the gentleman who had said that the fortifications would be of no use unless they were manned, he would observe there was an organized and effective militia in New York, that might be called into service at an hour's notice, and would be competent to repel any force that was likely to be brought against them.

Mr. Varnum said he did not know precisely the amount of money which had been expended on the port of New York, but he believed that more than $120,000 had been expended before the appropriation of the last year. There had been a regular appropriation ever since the year 1794 for the defence of the ports and harbors.

[Mr. Varnum here detailed the several appropriations made for this purpose.]

In addition to these, large appropriations had been made for fortifications. The total of these appropriations amounted to $955,000. How much had been applied to the port of New York, he could not say. He thought the ports and harbors of the United States ought to be defended. The idea of retreating to the mountains was abhorrent to his mind. On the contrary, he thought the enemy ought to be met at the water's edge, and fought inch by inch. The true question, however, was, in what way an enemy might be best repelled? As to New York he believed it was impossible to erect batteries which would prevent vessels from passing by them; but surely they might be so constructed as greatly to annoy them.

Mr. V. said he confessed he was no great admirer of gunboats, though he was willing to allow they might under some circumstances be of considerable use. For the purpose of defending New York, measures had already been pursued to a considerable extent. In addition to the gunboats which had been built, a large number of cannon had been mounted on travelling carriages. Besides this, there were two regiments of artillery completely organized. Taking the system adopted in all its parts, he did think it was the only safe system that could be adopted for the defence of that harbor, as well as the other harbors of the United States. He had, however, no objection to a short postponement for the purpose of getting information.

Mr. Thomas said they had the last session received information from the President of the United States, that the whole sum expended on the harbor of New York, only amounted to one and twenty-three thousand dollars.

Mr. Smilie said he rose for the purpose of explanation. If gentlemen imagined he had said he would abandon New York or any other port of the Union, they had not correctly heard what he had said. He had observed that he would never consent to defend the country by a fleet. He believed there was no country on earth whose commerce would justify the creation of a navy merely for its protection. He would rather, therefore, give up the whole trade than protect it by a navy.

The question was then taken on postponing the consideration of the resolution until Monday, which was carried—yeas 69.

It was ordered that a bill, or bills, be brought in, pursuant to the first of the said resolutions, as agreed to by the House, on the twenty-third ultimo; and that Mr. Thomas, Mr. Tallmadge, Mr. Rea of Pennsylvania, Mr. Wynns, Mr. Elliot, Mr. Stanton, and Mr. Varnum, do prepare and bring in the same.

On motion of Mr. Early, the House adopted the following resolution:

Resolved, That the President of the United States be requested to cause to be laid before this House such information as may be in the possession of the Executive department tending to show the efficacy of gunboats in the protection and defence of ports and harbors, and particularly a list of such of the principal ports and harbors as may be defended or essentially assisted in being defended by gun boats, together with the number necessary for each.

Ordered, That Mr. Early and Mr. Eppes be appointed a committee to present the foregoing resolution to the President of the United States.

Friday, February 6.

A Message was received from the President of the United States, transmitting the laws for the government of Louisiana, passed by the Governor and Judges of the Indiana Territory, at their session at Vincennes, begun on the first of October, one thousand eight hundred and four. The Message was read, and, together with the laws transmitted therewith, referred to the committee appointed, on the eighth ultimo, on a Message from the President of the United States, transmitting a copy of the laws of the Territory of Michigan.

A message from the Senate informed the House that the Senate have passed the bill which originated in this House, entitled "An act authorizing the discharge of William Hearn from his imprisonment," with an amendment; to which they desire the concurrence of this House.

CLAIM OF BEAUMARCHAIS.

A Message was received from the President of the United States, stating that the Government of France having examined the claim of the heirs of M. de Beaumarchais against the United States, had found it just and reasonable, and instructed the Minister here to apply for payment. A note from General Turreau to the Secretary of State was transmitted with the Message.

Mr. Gregg moved a reference of the Message with the accompanying documents to the Committee of Claims.

Mr. Bassett preferred a reference to a select committee.

Mr. Ely did not like the terms of the address for this claim. It was expressed in terms too imperious. No nation on earth had a right to use the language of authority towards our Government. Mr. E. moved that it lie on the table, and after it was printed the House could better decide as to the disposition of the claim.

Mr. D. R. Williams thought the note of the French Minister sufficiently decorous.

Mr. Pitkin preferred a reference of the subject to the Committee of Claims. They had once examined it, and are therefore most competent to investigate its merits again.

Mr. Alston said it was usual to refer Messages from the President either to a select committee or to a Committee of the Whole.

Mr. Dana inquired whether the claim of the Danish Minister for the brig Henrick was at a former session referred to the Committee of Claims. He believed it was.

The Speaker answered that such was his impression.

Mr. J. Clay observed that the course mentioned was then pursued.

The Message and documents were referred to the Committee of Claims.

ISSUING OF DEBENTURES.

The House proceeded to consider the amendment reported from the Committee of the Whole on Tuesday last, to the bill authorizing the issuing of debentures in certain cases: Whereupon, the said amendment being again read, was, upon the question put thereupon, agreed to by the House.

A motion was made by Mr. Eppes, further to amend the second section of the said bill, by striking out, from the word "restriction," in the third line thereof, the following words: "to direct debentures to be issued in similar cases which may have happened prior to the passing of this act, and subsequent to the second day of March, one thousand eight hundred and three, or where such application shall be made within six months from the passing thereof, inserting, "receive applications for debentures in similar cases which may have happened within —— years prior to the passing of this act, and to report the same to the next session of Congress:" and on the question thereupon, it passed in the negative.

A motion was then made by Mr. Early further to amend the said bill, by adding, to the end thereof, a new section, in the words following to wit:

Sec. 5. *And be it further enacted,* That, whenever any person or persons shall apply to the Comptroller of the Treasury for relief under the first or second sections of this act, his or their petition shall be first preferred to the judge of the district from which the goods, wares, and merchandise, were exported, and such persons shall do and perform all such things as are required by the first section of the act, entitled "An act to provide for mitigating or remitting the forfeitures, penalties, and disabilities, accruing in certain cases therein mentioned;" and the said judge shall proceed in like manner as is directed in the said act, to inquire into, state, and transmit, the facts touching the case, to the Comptroller of the Treasury, who, thereupon, may grant such relief, under the conditions, limitations, and restrictions of this act:

And on the question thereupon, it was resolved in the affirmative.

On the question, whether the bill should pass to a third reading? Messrs. Clay and Dana spoke in favor of, and Messrs. R. Williams and Eppes against the bill.

Mr. Sloan also spoke against the bill, and was replied to by

Mr. Lyon, who delivered a speech of considerable length in favor of the bill, interspersed with many sarcastic remarks on the oratory of Mr. Sloan. Mr. L. noticed repeatedly the phraseology of Mr. S., particularly that of retrospecting backwards. The House was so much diverted by Mr. L.'s speech, that the Speaker was frequently obliged to call to order.

Mr. Sloan hoped the long and elegant speech, or rather sermon he should say, of Mr. Lyon would soon be published, as it seemed to be written out and ready for the press, that they might once more be gratified by its elegance.

Mr. D. R. Williams had spoken sometime in reply to Mr. J. Clay, when the glass of one of the windows of the Representative Chamber was broken and blown into the room by the violence of the wind, and the members in that quarter were compelled to leave their seats. An attempt was made to secure the window by closing the shutters, and they were blown into the room. Whereupon, in this crisis, on motion of Mr. D. R. Williams, the House, at 2 o'clock, adjourned.

Saturday, February 7.

On motion of Mr. Lattimore,

Resolved, That the Committee of Commerce and Manufactures be instructed to inquire into the expediency of establishing and maintaining an institution at Natchez, for the relief of sick and disabled boatmen, out of such funds as may be constituted by a tax upon persons employed in the navigation of the Mississippi; and that the said committee have leave to report by bill, or otherwise.

Mr. Thomas, from the committee appointed on the fifth instant, presented a bill for fortifying the ports and harbors of the United States; which was read twice and committed to a Committee of the Whole on Monday next.

On motion of Mr. Lyon,

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of retaining a greater proportion of the duties on articles the growth or manufacture of foreign countries which may be re-exported.

The Speaker laid before the House a letter from the Governor and Judges of the Territory of Michigan, transmitting their report, made in obedience to the act, entitled "An act to provide for the adjustment of titles of land in the town of Detroit, and Territory of Michigan, and for other purposes;" which were read, and ordered to lie on the table.

The bill sent from the Senate, entitled "An act to reduce the expenses attending the administration of justice in the District of Columbia," was read twice and committed to a Committee of the Whole on Tuesday next.

The bill sent from the Senate, entitled "An act confirming claims to land in the District of Vincennes," was read twice and committed to the Committee on the Public Lands.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act authorizing the discharge of William Hearn from his imprisonment;" Whereupon, the first amendment of the Senate to the enacting clause of the said bill, being again read, was, on the question put thereupon, agreed to by the House.

Resolved, That this House doth agree with the Senate in the title of the said bill, amended to read as follows: "An act for the relief of William Hearn."

Mr. Broom submitted the following resolution:

Resolved, That it is expedient to make further provision for securing the privilege of the writ of habeas corpus to persons in custody under or by color of the authority of the United States.

Mr. B. wished the resolution might lie a few days on the table before he called up the subject to the consideration of the House. He then moved that it lie on the table. Agreed to.

ISSUING OF DEBENTURES.

The House proceeded to the farther consideration of the bill authorizing the issuing of debentures in certain cases.

Mr. D. R. Williams moved that the bill be recommitted. Not carried—ayes 36, noes 49.

The question was about to be taken, whether the bill should be engrossed for a third reading, when Mr. Holland rose and spoke at length against the bill.

The question was then taken on engrossing the bill by yeas and nays, and decided in the negative—yeas 53, nays 52, the Speaker declaring himself with the nays. The vote was as follows:

Yeas—Joseph Barker, Joseph Clay, George Clinton jr., Orchard Cook, Richard Cutts, Samuel W. Dana, John Davenport, junior, Peter Early, James Elliot, Ebenezer Elmer, William Findley, James M. Garnett, Seth Hastings, David Hough, John G. Jackson, Walter Jones, Thomas Kenan, Joseph Lewis, jun., Henry W. Livingston, Edward Lloyd, Matthew Lyon, Robert Marion, Josiah Masters, William McCreery, Nicholas R. Moore, Jonathan O. Mosely, Gurdon S. Mumford, Jeremiah Nelson, Thomas Newton, jr., Timothy Pitkin, jr., John Porter, Josiah Quincy, Thomas M. Randolph, John Russell, Peter Sailly, Martin G. Schuneman, Dennis Smelt, Samuel Smith, Joseph Stanton, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, David Thomas, Thomas W. Thompson, Uri Tracy, Abram Trigg, Daniel C. Verplanck, Peleg Wadsworth, Matthew Walton, Eliphalet Wickes, Nathan Williams, and Thomas Wynns.

Nays—Willis Alston, jr., Isaac Anderson, John Archer, David Bard, Burwell Bassett, George M. Bedinger, William W. Bibb, John Blake, jr., Thomas Blount, Robert Brown, John Boyle, William A. Burwell, George W. Campbell, John Chandler, Martin Chittenden, John Claiborne, Matthew Clay, Frederick Conrad, Ezra Darby, Elias Earle, Caleb Ellis, William Ely, John W. Eppes, James Fisk, Charles Goldsborough, Peterson Goodwyn, Andrew Gregg, Silas Halsey, John Hamilton, James Holland, David Holmes, James Kelly, John Lambert, Duncan McFarland, David Meriwether, John Morrow, Gideon Olin, John Pugh, John Rea of Pennsylvania, John Rhea of Tennessee, Thomas Sandford, Ebenezer Seaver, James Sloan, John Smilie, John Smith, Richard Stanford, Joseph B. Varnum, John Whitehill, Robert Whitehill, David R. Williams, Alexander Wilson, and Joseph Winston.

And so the bill was rejected.

NATIONAL DEFENCE.

Mr. Varnum observed that he had heard with pleasure the ardent and patriotic zeal of the Representatives from the State of New York, to procure an appropriation for further fortifying the city of New York. Mr. V. doubted whether the grant already agreed to would be adequate to the purpose. He therefore moved the following resolution:

Resolved, That it is expedient to appropriate one hundred thousand dollars in addition to the sums heretofore granted, to enable the President of the United States to cause the port and harbor of New York to be better fortified and defended.

Mr. Varnum moved that the resolution be referred to the Committee of the Whole, to whom was referred the bill reported this morning, appropriating twenty thousand dollars for fortifications.

Mr. D. R. Williams inquired if it were in order to move an amendment to the resolution.

The Speaker answered in the negative.

Mr. D. R. Williams hoped then that the resolution would be rejected. He had intended to move the insertion of Charleston, South Carolina, if it had been in order. That city is ten thousand times more exposed than New York. There is but one single gun that can be fired, and that only a four-pounder.

Mr. Varnum.—Let the gentleman bring forward a distinct resolution. If Charleston need additional measures of defence, I will cheerfully accord to an appropriation.

Mr. Smilie concurred in the opinion that the gentleman (Mr. D. R. Williams) had better bring forward a distinct resolution.

Mr. D. R. Williams was an enemy to all partial appropriations. He was totally hostile to the idea of being so lavish in favor of New York, and leaving other places defenceless. He could see no objection to the insertion of Charleston, unless gentlemen were disposed to protect only a particular section of the Union.

Mr. Chandler was against the resolution. He did not like this partial method of legislation. Let the gentleman move an amendment to the bill when it shall be taken up in Committee of the Whole. That will answer the purpose.

Mr. Varnum said he had intended to move such an amendment to the bill, and he had introduced this resolution in order to give notice of that intention. If Charleston cannot be sufficiently fortified with the $20,000, now applicable to that object, he was willing to agree to more.

Mr. Dana could see no use in this resolution. He was surprised that any gentleman sincerely disposed to promote measures for the defence of New York should pursue such a partial course. The ports to be fortified have been designated by law. Make a general appropriation, and let the Executive direct the expenditure where it is most wanted. This scrambling for particular ports tends to defeat the object and to destroy the whole system of fortification.

Mr. Marion said that the account of Charleston given by his colleague was correct. The only reason why he had failed to call up the subject to the consideration of the House was, that the ground selected for fortifications had been but recently ceded to the United States, by the Legislature of South Carolina, and he supposed measures for the defence of the place would now be soon taken.

Mr. Newton hoped the resolution would be withdrawn, and an amendment moved to the bill. He felt unconquerable repugnance to such partial legislation. The place from which he came (Norfolk) was equally exposed, and needed additional fortification as well as New York.

Mr. Thomas was glad to see members from

different parts of the Union now in favor of fortifications. The other day there seemed to be few or none, except from the State of New York, who were disposed to do anything on the subject. Mr. T. thought every member must agree that New York stood in more need of being strongly fortified than any other place whatever.

Mr. Quincy concurred in the opinion that New York required measures of defence more than any other port, but he was against the resolution because it was not calculated to gain the end in view. He thought the experience of last session would show the evils of such partial demands for fortification. A resolution was brought forward to fortify New York. One member moved to add Charleston, another Norfolk, another Portsmouth, and another Georgetown, on the Potomac. This House is not competent to determine the portions of money which ought to be respectively allotted to the defence of the several ports in the Union.

Mr. Elmer was against the resolution on every principle. He thought $20,000, which had been voted, large enough. New York is like to be in no danger the ensuing year.

Mr. Mumford.—We have fought hard and tried repeatedly for a general appropriation, but without success. The $20,000 is nothing. It ought not to be named. I had rather have left a blank. I hope, therefore, that we may get a partial appropriation. I am willing to vote any sum for Charleston or Norfolk which may be necessary.

Mr. Bidwell.—The object of the resolution is only to give notice. I see no impropriety in it. Let it go to a committee, and then the House can decide upon it. They are not pledged to adopt it by consenting to this direction.

Mr. Conrad was against the resolution. He could see no use in it. He was willing to give $200,000 or $300,000 for New York if the sum could be advantageously expended the ensuing year, but had supposed that it could not.

Mr. Dana.—The proposition is now defended on the ground that it is only equivalent to giving notice of an intended amendment to a bill. Little need be said in reply to that argument. If a member of this House can be believed when he makes a declaration on this floor, it is sufficient for him merely to announce his intention. If you refer this resolution as moved, you admit the principle of a partial appropriation—a principle to which I am decidedly adverse.

I am in favor of a general system of fortification; this partial appropriation goes in truth to sacrifice the very measure it purports to aid. I am therefore against it. It is calculated to defeat every idea of fortification.

Mr. Varnum had no wish to disoblige any member of the House. He was not anxious that the question on a reference of the resolution to a Committee of the Whole should be put. His object of giving notice would be attained without it. He therefore withdrew the motion, and then moved that the resolution lie on the table.—Agreed to.

Monday, February 9.

Mr. Early, from the Committee of Commerce and Manufactures, presented a bill authorizing vessels, from places beyond the Cape of Good Hope, to enter at Plymouth, and establishing a port of delivery at Augusta, in the District of Maine; which was read twice and committed to a Committee of the whole House on Wednesday next.

Mr. Stanton, from the committee to whom was referred, on the fourth instant, the report of the Secretary of the Treasury on the petition of Daniel S. Dexter, presented a bill for the relief of Daniel S. Dexter; which was read twice and committed to a Committee of the Whole to-morrow.

Mr. Lattimore presented to the House a petition of the Grand Jurors of Washington District, in the Mississippi Territory, which was received and read, praying that the time allowed, by law, for the payment of lands purchased of the United States, in the said Territory, may be extended; that further time may be allowed for establishing donation right to lands in the said Territory; and that Congress will grant some real and effective encouragement to schools in the said district.

Mr. Mumford presented to the House a petition of Joshua Sands, late Collector of the Customs for the port of New York, which was received and read, stating that he issued, while collector aforesaid, sundry debentures of merchandise exported to New Orleans, then a part of the Spanish possessions in America; that, upon exhibiting his accounts at the Treasury, the accounting officers objected to his charge of debentures so paid; and praying that the said debentures, paid by him as aforesaid, may be allowed, and a final settlement of his accounts effected.—Referred to the Committee of Commerce and Manufactures.

On motion of Mr. Parke,

Resolved, That a committee be appointed to inquire whether any, and, if any, what, alterations ought to be made in the laws fixing the salaries of the Secretaries and Judges of the Indiana, Louisiana, and Michigan Territories; and that they have leave to report by bill, or otherwise.

And a committee was appointed, of Mr. Parke, Mr. Jeremiah Morrow, Mr. Sandford, Mr. Jeremiah Nelson, and Mr. Fisk.

A message from the Senate informed the House that the Senate have passed the bill sent from this House, entitled "An act to extend the power of granting writs of injunctions to the Judges of the District Courts of the United States," with several amendments; to which they desire the concurrence of this House. The Senate have passed a bill, entitled "An act for the relief of John Chester; to which they desire the concurrence of this House.

DISTRICT OF COLUMBIA.

The House resolved itself into a Committee of the Whole on the bill supplementary to the act concerning the District of Columbia.

This bill repeals the existing provision interdicting the arrest of the person for debts below twenty dollars.

Mr. Goldsborough moved a new section repealing the eighth section of an existing act, which prohibits the allowance of compensation to justices of the peace and jurors; which was agreed to.

The Committee then rose and reported the bill.

Mr. Jackson moved to commit the bill to the same committee to whom is referred a bill from the Senate for reducing the expenses attending the administration of justice in the district of Columbia.

This motion was opposed by Messrs. Goldsborough, and J. Clay, and disagreed to. When the bill was ordered to be engrossed for a third reading to-morrow.

IMPORTATION OF SLAVES.

The House resolved itself into a Committee of the Whole, on the bill prohibiting the importation of slaves into the United States.

The provision, punishing the importation of slaves with imprisonment, was stricken out, and the punishment of death substituted.

The Committee having passed on to the seventh section, it was read as follows:

"That all such negroes, mulattoes, or persons of color, as may be forfeited by virtue of this act, [shall, at the expense of the United States, be conveyed to such place or places in the United States, as the President thereof may direct, and there be indentured as apprentices or servants, or otherwise employed, as the President may judge most beneficial for them, and most safe for the United States: *Provided*, That no such negro, mulatto, or person of color, shall be indentured or employed as aforesaid, except in some State or Territory, in which slavery is not permitted; or in which provision is now made for a gradual abolition of slavery; nor in any State, in which such persons are not permitted by law to be indentured or employed as aforesaid; and if any such negro, mulatto, or person of color, when so indentured or employed, shall be under the age of —— years, the term of such indenture or employment shall not extend beyond the age of twenty-one years; and if above the age of —— years, the term shall not exceed —— years."]

Mr. Early moved to strike out all the words of the section in brackets, and to insert in lieu thereof the following words:

"shall be, by the marshal of the district or territory having custody of the same, be delivered over to such officer of the State or Territorial government as may by any law of the State or Territory be directed to receive them, to be disposed of as by any such law may be provided."

Mr. Early said the inhabitants of the Southern States would resist this provision with their lives. We want no civil wars, no rebellions, no insurrections, no resistance to the authority of the Government. Give effect then to this wish, and do not pass this bill as it now stands.

Mr. Smilie.—This opens such a scene as I never expected to witness in this House. If it were not owing to the impulse of the moment, and the influence of passion, I should think it extremely reprehensible. Are we to be threatened with civil war? that our laws will be resisted at the peril of life? Sir, this is new doctrine. The gentleman must know that we are not to be terrified by a threat of civil war.

Mr. Early said the gentleman from Pennsylvania (Mr. Smilie) had made a palpable misrepresentation of his sentiments. I do not threaten the Government with civil war. I only communicated the idea that military force would be necessary to carry the law into execution. I wish to know what has become of common sense? I disclaim the threat of civil war.

Mr. Sloan.—The observations of the Southern members, I think, bear rather too hard on us from the Middle States. [Here the Chairman interrupted Mr. Sloan, and said he conceived it out of order to allude to different sections of the Union.] Mr. S. proceeded. I was speaking to the section under consideration, and I thought it was not out of order to speak to sentiments which had been dropped by other gentlemen before me on the section.

The Southern gentlemen have said if we would take away the negroes from them, they would be satisfied. We have exerted every stretch of our genius to do this, we have agreed to take them ourselves.

The gentleman from Georgia (Mr. Early) has mentioned that they now are willing, as an act of great condescension, to give up the question, whether the United States shall sell the negroes as slaves; and for what? To sell them themselves. This is mighty condescension indeed.

Mr. Cook was in favor of the motion.

Mr. Marion was also in favor of the motion. If the provision was continued, the law would be wholly inoperative. Were he on a jury and the evidence ever so strong, he should deem it his duty not to find a verdict against a man charged with a breach of this law.

Messrs. Cook, J. Clay, Holland, and Alston, spoke in favor of the motion, and Messrs. Bedinger, Bidwell and Goldsborough against it.

Mr. D. R. Williams moved that the Committee rise.

Mr. Cook was in favor of the motion.

Mr Early said he believed that the gentleman from Massachusetts (Mr. Cook) was sincere in his endeavors to procure a law which would not be injurious to their happiness (of the Southern States.) He wished he could say the same of some other members.

Mr. Macon supported the motion.

The Committee rose, reported progress, and had leave to sit again.

Tuesday, February 10.

A Message was received from the President of the United States, in compliance with the request of the House of Representatives, expressed in their resolution of the fifth instant, giving information of the effect of gunboats in the protection and defence of harbors, of the numbers thought necessary, and of the proposed distribution of them among the ports and harbors of the United States. The Message was read, and, together with the documents transmitted therewith, ordered to lie on the table.

On motion of Mr. EARLY, from the Committee of Commerce and Manufactures, that the House do come to the following resolution:

Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Secretary of the Treasury be, and he hereby is, authorized and directed to cause to be published the report and chart of a survey of the coast of North Carolina, made by Thomas Coles and Jonathan Price, under the act of Congress passed at the last session for that purpose; and that the said Secretary be authorized to give them the privilege of securing to themselves the copy-right thereof, provided they will undertake the expense of the publication, and secure the performance of such other conditions as he may think proper to promote the objects of the Government in directing the said survey to be made. But such copy-right shall not operate to prevent Congress from having said chart incorporated into any general chart of the coast of the United States, which they may think proper to cause to be executed.

Ordered, That the said motion be referred to the consideration of a Committee of the Whole to-morrow.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act to extend the power of granting writs of injunction to the Judges of the District Courts of the United States: Whereupon the amendments, together with the bill, were committed to Mr. JACKSON, Mr. HOLLAND, and Mr. FISK.

The bill sent from the Senate, entitled "An act for the relief of John Chester," was read twice and committed to the Committee of Claims.

Ordered, That the Message of the President of the United States, of the thirty-first ultimo, transmitting a report of the Commissioners appointed under the act passed the twenty-ninth of March last, entitled "An act to regulate the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio," together with the said report, be referred to Mr. JACKSON, Mr. JEREMIAH MORROW, Mr. SANDFORD, Mr. SMILIE, and Mr. GOLDSBOROUGH.

Another Message was received from the President of the United States, communicating a letter from Cowles Mead, Secretary of the Mississippi Territory, to the Secretary of War, in relation to the movements of Aaron Burr.

The Message was read, and, together with the letter transmitted therewith, ordered to lie on the table.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act to prevent frauds committed on the Bank of the United States;" to which they desire the concurrence of this House.

The House again resolved itself into a Committee of the Whole, on the bill prohibiting the importation of slaves into the United States. Considerable progress was made in the discussion of the provisions of the bill, when the Committee rose, and obtained leave to sit again.

On motion of Mr. J. RANDOLPH,

Ordered, That the Message of the President of the United States, of the 15th of April, 1806, transmitting a treaty between the United States of America and the Piankeshaw tribe of Indians, together with the said treaty, be referred to the Committee of Ways and Means.

DISTRICT OF COLUMBIA.

An engrossed bill further supplementary to the act, entitled "An act concerning the District of Columbia," was read the third time: and on the question that the said bill do pass, it was resolved in the affirmative—yeas 52, nays 45, as follows:

YEAS—Evan Alexander, Willis Alston, junior, John Archer, David Bard, Joseph Barker, Silas Betton, William W. Bibb, Barnabas Bidwell, Thomas Blount, James M. Broom, Joseph Clay, Frederick Conrad, William Ely, William Findley, John Fowler, Charles Goldsborough, Andrew Gregg, Isaiah L. Green, Seth Hastings, William Helms, James Kelly, John Lambert, Edward Lloyd, Duncan MacFarland, Robert Marion, William McCreery, David Meriwether, Thomas Moore, Jeremiah Morrow, John Morrow, Gurdon S. Mumford, Jeremiah Nelson, Timothy Pitkin, jun., John Porter, John Pugh, Jacob Richards, Thomas Sammons, John Smilie, Richard Stanford, William Stedman, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, Thomas W. Thompson, John Whitehill, and Eliphalet Wickes.

NAYS—Burwell Bassett, George M. Bedinger, Phanuel Bishop, John Blake, junior, Robert Brown, John Boyle, William A. Burwell, John Chandler, Martin Chittenden, John Claiborne, Matthew Clay, Orchard Cook, Richard Cutts, James Elliot, John W. Eppes, Peterson Goodwyn, Silas Halsey, David Holmes, John G. Jackson, Walter Jones, Thomas Kenan, Nehemiah Knight, Joseph Lewis, jr., Matthew Lyon, Patrick Magruder, Josiah Masters, Gideon Olin, Josiah Quincy, John Randolph, John Rhea of Tennessee, Thomas Sandford, Ebenezer Seaver, Jas. Sloan, Dennis Smelt, John Smith, Samuel Smith, Uri Tracy, Killian K. Van Rensselaer, Joseph B. Varnum, Matthew Walton, Robert Whitehill, David R. Williams, Alexander Wilson, Richard Winn, and Joseph Winston.

WEDNESDAY, February 11.

The bill sent from the Senate, entitled "An act to punish frauds committed on the Bank of the United States," was read twice, and committed to a Committee of the Whole to-morrow.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act regulating the grants of land in the Territory of Michigan."

The bill sent from the Senate, entitled "An act regulating the grants of land in the Territory of Michigan," was read twice, and committed to the Committee on the Public Lands.

Mr. JACKSON, from the committee to whom was committed, yesterday, the amendments proposed by the Senate to the bill, entitled "An act to extend the power of granting writs of injunctions to the Judges of the District Courts of the United States, reported their agreement to the first, and their disagreement to the second of the said amendments. The House proceeded to consider the said amendments of the Senate, and the report of the select committee thereon: Whereupon

Resolved, That this House do concur with the Senate in their said amendments.

On motion of Mr. Chandler,

Ordered, That the Message of the President of the United States, of the 17th of April, 1806, transmitting a treaty of the United States of America, and the Cherokee tribe of Indians, together with the said treaty, be referred to the Committee of Ways and Means.

IMPORTATION OF SLAVES.

The House again resolved itself into a Committee of the Whole, on the bill sent from the Senate, entitled "An act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, in the year of our Lord, one thousand eight hundred and eight," to which Committee of the whole House was committed on the twentieth ultimo, the amendatory bill, which originated in this House, to prohibit the importation or bringing of slaves into the United States, or the Territories thereof, after the thirty-first day of December next; and, after some time spent therein, the bill was reported with several amendments thereto. The House proceeded to consider the said amendments: Whereupon, an adjournment being called for, the House adjourned.

Thursday, February 12.

A message from the Senate informed the House of Representatives that the Senate have passed a bill, entitled "An act to prevent settlements being made on lands ceded to the United States, until authorized by law;" also, a bill, entitled "An act to regulate the summoning of grand jurors;" to which bills they desire the concurrence of this House.

A Message was received from the President of the United States, transmitting a statement of the militia of the United States, according to the latest returns received by the Department of War. The said Message was read, and, together with the returns transmitted therewith, ordered to lie on the table.

Mr. Jeremiah Morrow presented to the House a petition of sundry inhabitants of the State of Ohio, which was received and read, stating that errors have been committed to the injury of the petitioners, in surveying the lands purchased by them of the United States, and praying that Congress will direct the Surveyor General to cause the same to be resurveyed, and the errors in the original surveys to be corrected.—Referred to the Committee on the Public Lands.

Mr. Boyle, from the Committee on the Public Lands, to whom was committed, yesterday, the bill sent from the Senate, entitled "An act regulating the grants of land in the Territory of Michigan," reported to the House their agreement to the same: Whereupon, the bill and report were committed to a Committee of the whole House to-morrow.

Mr. B., also, from the same committee, presented a bill authorizing patents to issue for lands located and surveyed by virtue of certain Virginia resolution warrants; which was read twice, and committed to a Committee of the Whole on Saturday next.

Mr. Joseph Clay, from the joint committee appointed by the two Houses of Congress to execute the provisions of the act, entitled "An act making a further appropriation for the support of a Library," passed the twenty-fifth of February, one thousand eight hundred and six, made a report; which was read, and ordered to lie on the table.

On motion of Mr. Early,

Resolved, That a committee be appointed to inquire into the expediency of altering the terms of the Supreme Court of the United States.

And a committee was appointed, of Mr. Early, Mr. Boyle, Mr. Goldsborough, Mr. Gregg, and Mr. Bidwell.

Another Message was received from the President of the United States, transmitting the laws adopted by the government and judges of the Territory of Michigan, from the first day of July, one thousand eight hundred and six, to the first day of January of the present year. The said Message was read, and, together with the laws transmitted therewith, ordered to be referred to the committee appointed, on the eighth ultimo, on a Message from the President of the United States, transmitting a copy of the laws of the Territory of Michigan.

INDIANA TERRITORY.

Mr. Parke, from the committee to whom was referred the letter of William Henry Harrison, Governor of the Indiana Territory, enclosing certain resolutions of the Legislative Council and House of Representatives of the said Territory, made the following report:

That the resolutions of the Legislative Council and House of Representatives of the Indiana Territory relate to a suspension, for the term of ten years, of the sixth article of compact between the United States and the Territories Northwest of the river Ohio, passed the 13th July, 1787. That article declares "there shall be neither slavery nor involuntary servitude in the said Territory."

The suspension of the said article would operate an immediate and essential benefit to the Territory, as emigration to it will be inconsiderable for many years, except from those States where slavery is tolerated; and although it is not considered expedient to force the population of the Territory, yet it is desirable to connect its scattered settlements, and, in regard to political rights, to place it on an equal footing with the different States. From the interior situation of the Territory, it is not believed that slaves would ever become so numerous as to endanger the internal peace or future prosperity of the country. The current of emigration flowing to the Western country, the Territories ought all to be opened to their introduction. The abstract question of liberty and slavery is not involved in the proposed measure, as slavery now exists to a considerable extent in different parts of the Union; it would not augment the number of slaves, but merely authorize the removal to Indiana of such as are held in bondage in the United States. If slavery is an evil, means ought to be devised to render it least dangerous to the community, and by which the hopeless situation of the slaves would be most ameliorated; and to accomplish these objects, no measure would be so effectual as the one proposed. The committee, therefore, respectfully submit to the House the following resolution:

Resolved, That it is expedient to suspend, from and after the 1st day of January, 1808, the sixth article of compact between the United States and the Territories and States Northwest of the river Ohio, passed the 13th day of July, 1787, for the term of ten years.

Referred to the consideration of the Committee of the Whole on Monday next.

IMPORTATION OF SLAVES.

The House resumed the consideration of the amendments reported by the Committee of the whole House, yesterday, to the bill sent from the Senate, entitled "An act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, in the year of our Lord, one thousand eight hundred and eight:" Whereupon, the first, second, and third amendments to the said bill, being again read, were, upon the question put thereupon, agreed to by the House.

The fourth amendment reported by the Committee of the Whole House to the said bill, being again read in the words following, to wit:

> Sec. 5, lines thirteen, fourteen, and fifteen, after the word "guilty," strike out the words "of felony; and being thereof convicted before any court of the United States having jurisdiction thereof, shall suffer death;" and insert, "of a high misdemeanor; and being thereof convicted before any court having competent jurisdiction, shall suffer imprisonment for not more than ten years, nor less than five years."

A motion was then made by Mr. George W. Campbell, to amend the said amendment, by adding, to the end thereof, the words, "and fined not exceeding ten thousand dollars nor less than one thousand dollars;" and, on the question thereupon, it was resolved in the affirmative.

The question was then stated that the House do agree with the Committee of the Whole in their said amendment, as amended, on which a division of the said question was called for; and the question, that the House do agree with the Committee of the Whole House in so much of their said amendment as proposed to strike out the words before recited, to wit: "of felony; and being thereof convicted before any court of the United States having jurisdiction thereof, shall suffer death;"

Messrs. Smilie and Sloan opposed, and Messrs. Elmer and Kelly supported, the striking out.

The yeas and nays were taken, and were—yeas 67, nays 48, as follows:

Yeas—Willis Alston, jr., John Archer, Joseph Barker, Burwell Bassett, Silas Betton, William W. Bibb, Barnabas Bidwell, John Boyle, William A. Burwell, George W. Campbell, Martin Chittenden, John Claiborne, Joseph Clay, Matthew Clay, George Clinton, jr., Ezra Darby, John Dawson, Peter Early, James Elliot, Caleb Ellis, Ebenezer Elmer, James Fisk, James M. Garnett, Charles Goldsborough, Edwin Gray, Isaiah L. Green, John Hamilton, Jas. Holland, David Holmes, John G. Jackson, Walter Jones, James Kelly, Thomas Kenan, John Lambert, Henry W. Livingston, Edward Lloyd, Matthew Lyon, Duncan McFarland, Robert Marion, William McCreery, David Meriwether, Thomas Moore, Jeremiah Morrow, Thomas Newton, jr., Timothy Pitkin, jr., Josiah Quincy, John Randolph, John Rhea of Tennessee, Jacob Richards, Martin G. Schuneman, Dennis Smelt, John Smith, Samuel Smith, Richard Stanford, Joseph Stanton, Samuel Taggart, Samuel Tenney, Uri Tracy, Abram Trigg, Philip Van Cortlandt, Killian K. Van Rensselaer, Daniel C. Verplanck, Robert Whitehill, Eliphalet Wickes, Richard Winn, and Joseph Winston;

Nays—Isaac Anderson, David Bard, George M. Bedinger, John Blake, jr., Thomas Blount, Robert Brown, John Chandler, Frederick Conrad, Leonard Covington, Richard Cutts, Samuel W. Dana, John Davenport, jr., William Ely, John W. Eppes, William Findley, Peterson Goodwyn, Andrew Gregg, Silas Halsey, Seth Hastings, William Helms, David Hough, Nehemiah Knight, Joseph Lewis, jr., Josiah Masters, John Morrow, Jonathan O. Mosely, Jeremiah Nelson, Gideon Olin, John Porter, John Pugh, Thos. M. Randolph, John Rea of Pennsylvania, John Russell, Peter Sailly, Thomas Sammons, Ebenezer Seaver, James Sloan, John Smilie, Benj. Tallmadge, David Thomas, Thomas W. Thompson, Joseph B. Varnum, Peleg Wadsworth, John Whitehill, David R. Williams, Nathan Williams, Alexander Wilson, and Thos. Wynns.

And then the question was taken that the House do agree with the Committee of the Whole, in so much of their said amendment, as amended, as proposes to insert, in lieu of the words stricken out, the words, "of a high misdemeanor; and being thereof convicted before any court having competent jurisdiction, shall suffer imprisonment for not more than ten years, or less than five years, and fined not exceeding ten thousand dollars, nor less than one thousand dollars."

On inserting the foregoing provision, Mr. J. Randolph spoke in opposition, on the ground that such an excessive penalty could not, in such case, be constitutionally imposed by a Government possessed of the limited powers of the Government of the United States.

The question was then put, and carried without a division.

The fifth amendment reported from the Committee of the Whole, to amend the eighth section of the bill, by inserting, after the word "color," in the fifth line thereof, the words, "who may hereafter be imported contrary to the provisions of this act," being again read, was, upon the question being put thereupon, disagreed to by the House.

Another motion was then made by Mr. Early, further to amend the said bill by adding to the end of the eighth section, the following proviso:

> "Provided, however, that nothing in this section shall extend to prohibit the taking on board or transporting any negro, mulatto, or person of color, (not imported contrary to the provisions of this act,) in any vessel or species of craft whatever, from one place to another, within the jurisdiction of the United States."

And on the question thereupon, it was resolved in the affirmative.

The bill was then further amended at the Clerk's table, and, together with the amendments agreed to, ordered to be read the third time to-morrow.

FRIDAY, February 13.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act in addition to the act establishing a Mint, and regulating the coins of the United States;" to which they desire the concurrence of this House.

Mr. EARLY, from the Committee of Commerce and Manufactures, presented a bill supplementary to the act, entitled "An act to prohibit the importation of certain goods, wares, and merchandise;" which was referred to a Committee of the Whole.

[This bill specifies certain articles which shall not be considered as embraced by the provisions of the original act, and gives the Secretary of the Treasury and Comptroller power to decide, in case of doubt, whether any particular article is prohibited.]

The bill, sent from the Senate, entitled "An act to prevent settlements being made on lands ceded to the United States, until authorized by law," was read twice, and committed to the Committee on the Public Lands.

The bill, sent from the Senate, entitled "An act to regulate the summoning of grand jurors," was read twice, and committed to a Committee of the Whole on Monday next.

Mr. HOLMES, from the Committee of Claims, to whom was committed, on the tenth instant, the bill, sent from the Senate, entitled "An act for the relief of John Chester," reported to the House their agreement to the same: Whereupon,

Ordered, That the said bill and report be committed to a Committee of the Whole to-morrow.

The House resolved itself into a Committee of the Whole on the bill to extend the time for locating Virginia military warrants, and for returning the surveys thereon to the office of the Secretary of the Department of War. The bill was reported with several amendments thereto; which were severally twice read, and agreed to by the House.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time to-morrow.

The House resolved itself into a Committee of the Whole on the bill for the relief of Stephen Sayre. The bill was reported without amendment, and ordered to be engrossed, and read the third time to-day.

The House resolved itself into a Committee of the Whole on the bill respecting seizures made under the authority of the United States, and for other purposes. The bill was reported without amendment, and ordered to be engrossed, and read the third time to-morrow.

The House resolved itself into a Committee of the Whole on the bill from the Senate, entitled, "An act establishing circuit courts, and abridging the jurisdiction of the district courts in the districts of Kentucky, Tennessee, and Ohio." The bill was reported with several amendments thereto; which were severally twice read, and agreed to by the House.

Ordered, That the said bill, with the amendments, be read the third time, to-morrow.

PUBLIC DEBT.

Mr. J. RANDOLPH, in the name of the Committee of Ways and Means, asked leave to report a bill in relation to the public debt, being an addition to the bill, passed at the present session, supplementary to the act, entitled "An act making provision for the redemption of the whole of the public debt of the United States."

Mr. R. observed that the object of the bill was to provide for the case of a refusal on the part of the holders of three per cent. stock to come into the loan proposed by the act recently passed. Its object was, to use a strong phrase, to coerce them into that loan; not, however, by any provisions that involved the least breach of the public faith. Its object was to make provision for paying off such part of the three per cent. stock as should remain unsubscribed to the new loan by an annuity of four per centum. Such an annuity would be worth something more than sixty-two per cent. Of course, as the new loan permitted the creditor to subscribe at the rate of sixty-five per cent., it would become obviously his interest to accept the terms of the loan.

Mr. R. then presented the bill, which was referred to a Committee of the Whole on Tuesday.

IMPORTATION OF SLAVES.

The bill, sent from the Senate, entitled "An act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, in the year of our Lord one thousand eight hundred and eight," together with the amendments agreed to yesterday, were read the third time; and, on the question that the same do pass, it was resolved in the affirmative—yeas 113, nays 5, as follows:

YEAS—Evan Alexander, Isaac Anderson, John Archer, David Bard, Joseph Barker, Burwell Bassett, Geo. M. Bedinger, William W. Bibb, Barnabas Bidwell, Phanuel Bishop, John Blake, jun., Thomas Blount, James M. Broom, Robert Brown, John Boyle, William A. Burwell, George W. Campbell, John Chandler, John Claiborne, Joseph Clay, Matthew Clay, George Clinton, jr., Frederick Conrad, Orchard Cook, Leonard Covington, Richard Cutts, Samuel W. Dana, Ezra Darby, John Davenport, jun., Elias Earle, Peter Early, James Elliot, Caleb Ellis, Ebenezer Elmer, Wm. Ely, John W. Eppes, William Findley, James Fisk, Charles Goldsborough, Peterson Goodwyn, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, Seth Hastings, William Helms, David Holmes, John G. Jackson, Walter Jones, James Kelly, Thomas Kenan, Nehemiah Knight, John Lambert, Joseph Lewis, jun., Henry W. Livingston, Edward Lloyd, Matthew Lyon, Duncan MacFarland, Patrick Magruder, Robert Marion, Josiah Masters, William McCreery, David Meriwether, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Jonathan O. Mosely, Gurdon S. Mumford, Jeremiah Nelson, Thomas Newton, jun., Gideon Olin, Timothy Pitkin, jun., John Porter, John Pugh, Josiah Quincy, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, John Russell, Peter Sailly, Thomas Sammons, Thomas Sandford, Martin G. Schuneman, Ebenezer Seaver, James Sloan, Dennis Smelt, John Smilie, John Smith, Samuel Smith, Richard Stanford, Joseph Stanton, William Stedman, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, David Thomas, Thomas W. Thompson, Uri Tracy, Philip Van Cortlandt, Killian K. Van Rensselaer, Joseph B. Varnum, Daniel C. Verplanck, Peleg Wadsworth, Matthew Walton, John Whitehill, Robert Whitehill, Eliphalet Wickes, Nathan Williams, Alexander Wilson, Richard Winn, Joseph Winston, and Thomas Wynns.

Nays—Silas Betton, Martin Chittenden, James M. Garnett, Abram Trigg, and David R. Williams.

NATIONAL DEFENCE.

Mr. Mumford rose to offer certain resolutions, which he begged leave to introduce after a few remarks.

Some gentlemen, said Mr. M., say we are at peace. Others tell us it will be time to prepare for war on the approach of danger. Such language is to me truly surprising. Look at the desolating state of Europe. Who knows how soon the tempest of war may be extended to this country and involve us in the like danger and calamity? I hope we shall follow, in my opinion it is our duty to follow the example of the sages and patriots who have gone before us; and who have told us that the method of avoiding danger and war is to be always prepared in time of peace.

Will this House consent to see the master key of our country in the hands of an enemy? It is true that the brave and independent spirit of the nation will prevail at last, but infinite evil would result from the capture of New York by an enemy, in point of private property, revenue, and the effectual use of the national force. Gentlemen who complain that $200,000 is a sum too small, and yet oppose this partial, specific appropriation for New York, cannot reconcile their inconsistency. The channel in the narrowest place is but 1,400 yards across. Two batteries on Montalembert's plan, together with Archibald Robinson's boom, would, I am persuaded, form an adequate defence. This might be done for less than $500,000. A gentleman from South Carolina (Mr. D. R. Williams) has told the House that Charleston is ten thousand times more exposed than New York. This I believe is a mistake. There is a straight broad channel from the sea up to the very city of New York, and a ship-of-the-line may at any time come up and lay her broadside before us.

I am no lawyer, and cannot therefore point out exactly the propriety of the law of 1794, which was cited on a former day by the gentleman from Connecticut, and which designates the eighteen ports that are proper to be fortified. If, however, the gentleman will specify any ports in Connecticut, which are in need of fortification like New York, I am very ready to agree to an appropriation for that purpose. The House has this session passed a bill for the defence of New Orleans, making specific appropriations. We ask for like measures of defence for the security of New York.

Mr. M. then proposed the following resolutions:

Resolved, That a sum not exceeding —— dollars be appropriated, to enable the President of the United States more effectually to fortify the port of New York.

Resolved, That a farther sum, not exceeding —— dollars, be appropriated to enable the President of the United States to fortify the ports of Charleston, South Carolina and Norfolk.

Resolved, That, in addition to the sums heretofore granted by law, a further sum, not exceeding —— dollars, be appropriated to enable the President of the United States to fortify such other places as he may think conducive to the public security.

The Speaker, said the first resolution was not in order, as a similar resolution, offered by a gentleman from Massachusetts, (Mr. Varnum,) was now on the table.

Mr. Varnum observed that the resolutions were different. The one which he had offered proposed a specific sum, $100,000—this is blank.

The Speaker still thought the resolution not in order.

Mr. Varnum declared that he had no wish to embarass the gentleman from New York, in procuring competent measures for the defence of that city. He then withdrew his resolution.

On motion of Mr Mumford the House proceeded to consider the resolutions—ayes 69.

Mr. Mumford moved that they be referred to the Committee of the Whole, to whom was referred the bill, appropriating $20,000 for the repair of fortifications.

Mr. Dana.—I know not that I have much objection to the reference proposed by the gentleman from New York (Mr. Mumford,) but if the resolutions are ordered to lie on the table his purpose will be as effectually answered as by the reference proposed. Some observations, however, which have fallen from the gentleman, seem entitled to notice.

When this subject was before the House on a former day, I took the liberty of referring to a law passed in 1794. If the gentleman from New York has never read that law, I think it would be well for him to look at it before he undertakes to propose to this House measures relative to the fortification of our ports and harbors. That law designates eighteen or twenty ports and harbors in the United States to be fortified, but makes no appropriation for the purpose.

In point of system I am wholly opposed to any partial specific appropriations. Grant the money and leave the distribution of it to the Executive. He has better means of information than this House. As to the State of Connecticut, I am not weak enough to attempt what the gentleman has proposed as a task for me to perform. I consider the effectual defence of New York as a barrier for Connecticut. I oppose the specific grant, because I am confident it is not adequate to the object. I oppose it because I wish extensive and permanent measures to be adopted for the protection of places exposed to danger; and because I am unwilling to see a great system frittered down by this petty competition between different ports. The gentlemen who are so strenuous for this plan, if they understand the general course of proceedings, must know that they will meet with constant difficulty in every stage of the business. The gentlemen must know that they will never succeed in any such partial, frivolous attempt. It is the very way to make the project of defence unpopular, and goes to sacrifice the object which they profess to pursue. It is on this ground that I oppose the reference of this resolution. These remarks I have thought fit to make in reply to the gratuitous observations of the gentleman from New York.

Mr. Mumford.—To show that we have acted on the idea of specific appropriations, I will read a bill which we have passed in this House this very session, for the protection of New Orleans.

Mr. M. read the bill.

Mr. Dana.—The reply to what has been read by the gentleman from New Orleans, is very obvious. New Orleans is not comprehended in the law of 1794, and the President, therefore, could not apply moneys appropriated for fortifying the ports and harbors of the United States, to the fortification of New Orleans, without a special act for this purpose. It is not so with New York.

Mr. Masters.—If the best course is to leave it to the Executive to distribute an appropriation among the several ports and harbors, we did wrong when we voted a specific appropriation for New Orleans. When some days since we called for a general appropriation, we were told to apply for a specific one. Now, when we call for a specific appropriation, we are told, this is the wrong way: We ought to apply for a general one. And in this way we are to get none at all. For my part, I am in favor of a specific grant, not because I have not confidence in the Executive, but because I think it the most proper and the best way. We are then more sure that the money will be laid out right.

Mr. Dana moved that the resolution lie on the table.

The Speaker, after consulting the rules of the House, declared that the question of commitment must be first put.

Mr. Eppes said that it might perhaps be proper to grant some additional sum for the defence of New York; but he could perceive no reason for going now into a general system of defence when no such measures are called for, except by New York.

If there is any principle, said Mr. E., which ought to be hooted at in a Republican Government it is the very principle laid down by the gentleman from New York (Mr. Mumford) as the basis of his reasoning—that to preserve peace we ought to be prepared for war. Sir, it is this very principle which is the source of all the miseries of Europe. Until 1794 the affairs of our country went on peaceably. Then this destructive principle extended itself into our National Councils. Then ensued the long train of armies, navies, fortifications, with all their concomitant evils. Sir, this very principle has cost the nation more than fifty millions of dollars. And what is the benefit? Has it ever done the least good?

I do not like the plan of the gentleman. It is calculated, as the gentleman from Connecticut (Mr. Dana) has truly stated, to defeat the object which he has in view. Experience shows it. I call for a division of the question, as I will agree to vote for the first resolution, but I am against the others.

The Speaker observed that he should accordingly put the question separately upon each resolution.

Mr. Quincy.—When a motion was, the other day, laid on the table, for a specific appropriation of a hundred thousand dollars, for the fortification of New York, with the honorable gentleman from Connecticut (Mr. Dana) I urged some objections to appropriations of that description. As the gentleman from New York (Mr. Mumford) has suggested that there is some inconsistency between those objections and our former anxiety for large appropriations for the defence of the commercial cities, I feel compelled to make some observations on the subject.

I acknowledge, sir, that when that motion was made in this House, it excited in me some surprise, and no little suspicion. Its nature and origin were natural causes of both, under the circumstances with which they were attended. What was the proposition? A specific appropriation of one hundred thousand dollars for the harbor of New York. And from whom? From my honorable colleague (Mr. Varnum.) A gentleman not distinguished for his zeal in favor of large general appropriations, and who has, if I mistake not, more than once expressly declared his disbelief in the practicability of an efficient fortification of this particular harbor! It was impossible not to apprehend, that a motion of this nature, originating in such a quarter, was indicative of some great change in the views of the prevailing influence on this floor. My colleague is a distinguished member of this House. He is a friend and intimate of the Secretary of War, who is not remarkable for his friendship to large general appropriations for such objects, or for his belief in the practicability of efficient fortifications, in this particular harbor. The same dispositions, it is generally understood, are entertained in a quarter where my colleague is so loved and honored, that he has in consequence acquired almost an official character on this floor. A motion of such a nature as this, originating with a gentleman so connected, was a natural source of jealousy and curiosity. It was impossible not to ask—how happens this? What has produced such a sudden and great change, from twenty thousand dollars for the fortification of all the ports and harbors in the United States, New York included, to a hundred thousand dollars for this single harbor? To what is this new faith to be attributed? Is it instantaneous regeneration? or is it progressive illumination? If the former, who has worked the miracle? What has purged the visual ray? If the latter, why have we not had the course of reasoning, the logical illustration, by which this great truth has been so recently discovered.

I have since had something that looks like light thrown upon this mystery. Certain things are circulating in whispers, which, apparently, may have some relation to this new current, which has just begun to set on this floor. I would, however, not be understood as intimating that what I am now going to state were the motives of my honorable colleague. I mean only to regret with him, that this great conversion, which his motion indicates, has happened at a moment, and under circumstances, so unpropitious to a perfect confidence in its principle. Sir, it has been stated to me, in such a way that I cannot but believe it, that this subject of fortifications has become a great party question in the State of New York—that it has been seized upon and wielded by the different political divisions of that State as an engine of popularity. It has also been intimated to me, that it is absolutely necessary that something should be effected in the way of appropriations for that city, to enable the influences, lately there prevalent, to maintain their past ascendency. And it is certain, that the motion of my honorable colleague was laid upon the table, I think, the day after, but at any rate, a very short time after the news had arrived in this city, of certain proceedings which have taken place at Albany. Without attributing any motives to my colleague, or his political friends, he will give me leave to lament with him these unfortunate circumstances, which have attended his motion. It is truly to be regretted that such a memorable conversion to the true faith did not happen under circumstances which could leave no doubt as to the spirituality of the views of the converts; instead of happening under such as give too many reasons to suspect worldly considerations.

Anxious as I am for large and honorable appropriations for the defence of the seaboard and cities; believing as I do, that protection is their right, and our duty, and that it is entirely within our ability; I do now, unequivocally and without any reserve, declare my utter dissent to their scheme of specific appropriations, for individual cities. I warn gentlemen who have the real interests of the commercial cities at heart, against ever acceding to them. I deem such a system a virtual abandonment of their rights, and, in effect, a forfeiture of all their hopes.

Sir, what is our object? Is it not permanent, substantial defence, adopted on the principle of the importance of commercial deposits, begun on an adequate scale, pursued regularly, and terminating with nothing short of such protection as the nature of their respective positions renders practicable?

How is this object to be attained? By dividing our interests and by submitting to become solitary applicants for special favors? By scrambling, each according to its strength, after specific appropriations? No, sir. But as all other great and national interests are pursued and obtained; by combining all those, whose principles and interests are similar, in common exertions for the attainment of the common object; by suffering no division to take place among us; by establishing our rights on solid principles and maintaining them firmly; by making the greatness of the interest understood by the people; by being intelligently zealous, constitutionally urgent. These are the means which render success the most certain, and by which it will be the best deserved.

But let the honorable association once be broken, let the principal members of the interest be exclusively served, and what security for the rest? If with all her zeal, her weight, and her exertions, combined with ours, we have as yet been able to effect absolutely nothing, what possible hopes can we entertain of success, after her ardour shall be blunted by specific satisfaction? The consequence of abandoning the system of general appropriations is undeniably this—cities are reduced from a great, powerful, legitimate influence, arising from their national importance and the greatness of their common interest, to the humble level of common petitioners, courting the patronage of leading members on this floor, and licking the dust before every accidental majority which may prevail upon it. The question of fortifications or no fortifications, will be made to depend, not upon the wealth, the numbers, or the exposure of the particular city, but upon the political sect there prevalent; and perhaps a change in their political sentiments will be made the condition on which defence shall be extended.

Do I mean to deny that New York is entitled to the first attention, and to the largest share of whatever appropriation may be made? Certainly not. The question of apportionment belongs to the Executive discretion. It is wisely and may safely there be deposited. Unquestionably New York has the greatest claim and the most urgent. She has more wealth, numbers, and exposure, than any other city. But this is not the only city which has wealth, inhabitants, or exposure. Nor is she, nor ought she to be more dear to us, or more covered by the national wing than any other city; except in proportion to her excess in each of those particulars. Why then will she, by accepting of a specific appropriation, withdraw herself from a common interest, as if the right was exclusive, and not in proportion to her share in that interest?

But the gentleman from New York (Mr. Mumford) says "we will vote for you, if you will vote for us." And yet, at the very moment, he knows, that the same gentleman who would, in that case, join us, in voting for New York, would abandon us, in the very vote for every other city. As an evidence of which, he had scarcely sat down, when the gentleman from Virginia (Mr. Eppes,) who is one of the new converts, told us expressly, that although he was willing to give something for New York, he would not vote an appropriation for any other city.

Sir, if the proposed appropriation was adequate to the entire fortification of the harbor of New York, there would be some apology for its representatives, in thus yielding to the current and getting what they could under a temporary influence. But is a hundred thousand dollars all that they want? Will they be satisfied with that? They know they will not. But if the gentleman from New York are content, I am free to declare, that I am not. As a citizen of these United States, as one of the representatives of this nation, having, in common with every other citizen, a deep stake in the prosperity and the safety of the commercial capital of my country, I do protest against all fortifications for that harbor commenced upon a hundred thousand dollars scale, and limited in extent by that expenditure. That city deserves, and has a right to many times one hundred thousand dollars, for such an object. And the time is not distant, as I believe, when, in the regular course of general appropriations, in common with other commercial cities, she might obtain the requisite sums. But then it can only happen upon the principle of her not abandoning the common interest, and disdaining to accept any sum upon a system which has only the accommodation of a particular and a temporary influence for its basis. At any rate, let the gentlemen from New York remember—if they get a hundred thousand dollars upon the principle of specific appropriation, they will never get anything more. The mouths of the advocates of that city are closed. They have admitted the principle of individual application and supply, and they must abide by the consequences. Until every other city in the United States has had a proportionate advance, with what face can New York pretend to anything additional? And if a vote can be obtained to leave other cities without future appropriations, New York can lay no claim to any additional assistance.

If the commercial cities are ever protected, it can only be by their adherence to each other; their claim for protection, on a common principle, supported by their united interest, and by the natural and just weight which their wealth, enterprise, and numbers, always ought to command in this nation.

Mr. VARNUM.—It is very easy for gentlemen to make false statements of facts to this House and then to draw their own inferences.

According to the best of my recollection (and if I am mistaken I wish to be corrected) I have spoken but once on the subject of fortifications. At that time I took a view of the sums which have been heretofore appropriated for this purpose, but I expressed no opinion that $20,000 was a sum large enough to put New York in a complete state of defence. The House had previously decided on that subject, and I therefore studiously avoided that question. And my colleague (Mr. QUINCY) knows it. I said it would be in my opinion impracticable to fortify New York against a large fleet, but I maintained the practicability of fortifying it against marauders and picaroons, and I declared myself willing to go as far as was necessary to secure that object.

As to the jealousy of my colleague that some proceedings at Albany might have influenced me in bringing forward my resolution, I must suppose it altogether an imagination of his own mind. What secret information he may have had, I know not; but for myself, I declare I heard nothing of any proceedings at Albany till the day after.

I am willing that my colleague should entertain all the suspicion that he chooses concerning my character or conduct. It is not in his power to degrade me from the standing which I hold in society. I was risking my life and spending my property in defence of my country, when my colleague was rocking in his cradle. I have always been and shall continue to be willing to vote whatever sums I think necessary for the defence of the country. I shall say nothing of my services or of those of my colleague, and I am perfectly willing that he should indulge any suspicions in regard to my motives, as they will neither disturb the tranquillity of my mind nor alter the course of my conduct.

Mr. QUINCY.—I made no allusion to any particular speech of that gentleman (Mr. VARNUM) but only stated my general impressions from his language, and from the course of his conduct on this floor. I said, he was not distinguished for his zeal for large general appropriations for the commercial cities, and that, if I mistook not, he had expressed a disbelief in the practicability of an efficient defence for the harbor of New York. If my colleague will declare that he has been zealous for such appropriations, or that he has been a uniform believer in the practicability of such defence, I am ready to retract my opinion.

As to its being my design to degrade my colleague, nothing was further from my intentions. I intimated that he was eminently beloved and honored by the Executive of the United States. Is that degradation?

Mr. MASTERS.—The gentleman from Massachusetts, who has just sat down, contended, at the last session, unless I am much mistaken, for a specific appropriation. Now he is against it. If his colleague (Mr. VARNUM) is against a specific appropriation, he seems to be for it. If his colleague is for it, he is therefore, *a fortiori*, against it. The gentleman says this is a great party question in the State of New York. He is mistaken; all parties are united on the subject. They all wish to see New York well fortified.

The question being taken on committing the first resolution, which relates to New York only, it was carried—yeas 63.

The second resolution, relating to Charleston, South Carolina, and Norfolk, was then read.

Mr. D. R. WILLIAMS.—I do hope, as a Representative of the State of South Carolina, that this resolution will not be agreed to. If any measures are now, or should be hereafter necessary to the security of Charleston, I have full confidence in the General Government. I believe this partial course is not calculated to operate for our benefit. If we are to be marked out as objects of special favor, I fear the citizens of North Carolina and Georgia will not so readily fly to our assistance. I wish not that we should partake of the odium that will be excited by this course. It tends to endanger our safety whenever we may be menaced with attack.

Mr. DANA called for the reading of the law, passed March 20, 1794, entitled "An act to provide for the defence of the ports and harbors of the United States." [This law was read. It designates twenty principal ports in the United States, which it directs the President to cause to be fortified.]

Mr. MARION observed that he had, on a former occasion, stated the reasons why he had not called the attention of the House to the defenceless situation of Charleston. The gentleman from New York (Mr. **Mumford**) is much mistaken, said Mr. M., if he attributes our silence to an insensibility to our danger. I hope that Charleston will not be regarded as a cloak, or a make-weight, to obtain assistance for New York. I voted for the first resolution, which related to New York, but I hope this resolution will not be referred.

Mr. **Mumford** withdrew the resolution relative to Charleston.

Mr. **Newton** observed that he had not been clamorous on the subject of fortifications, because he had a full reliance on the House. He was satisfied that whenever the subject should be finally acted upon, the place from which he came (Norfolk) would not be postponed to other places, but all would be provided for according to their necessities. The large sum of duties which has been so often stated to be collected in New York, is paid, not merely by citizens of that city, or that State. North Carolina, South Carolina, Connecticut, Massachusetts, and some other States, contribute largely to the payment of duties collected at New York. All our ports and harbors are as much entitled as New York to the justice of the House.

The third resolution was read.

Mr. J. **Randolph** inquired if a motion to amend the resolution were in order?

The **Speaker** replied that it was not.

Mr. J. **Randolph**.—The diction is defective.

Mr. **Speaker**.—A motion to amend is not in order when a motion to commit is pending.

Mr. D. R. **Williams** hoped the resolution would be withdrawn. The House can put any sum that may be thought proper into the bill relative to the subject of fortifications.

Mr. **Marion** also expressed a wish that the motion would be withdrawn.

After some conversation between the **Speaker** and Mr. J. **Randolph**, whether the resolution could be withdrawn without leave, as the House had already acted on two resolutions which were part of the original motion—Mr. **Mumford** withdrew the resolution.

PUBLIC BUILDINGS.

The House went into Committee of the Whole on the bill for finishing the south wing of the Capitol, and for other purposes.

On motion of Mr. **Lewis**, the first blank was filled with $25,000, which sum is to be applied towards finishing the south wing of the Capitol.

The next blank was in that part of the bill which makes an appropriation to furnish the Representative Chamber for the accommodation of the House.

Mr. **Lewis** moved to fill the blank with $20,000. On this motion considerable debate arose.

Mr. **Jackson**, of Virginia, wished to know why so large a sum was proposed.

Mr. **Gregg**, of Pennsylvania, asked, if the whole sum would be wanted the present year? The Legislature had been there seven years, and there seemed little or no likelihood that the Capitol would be finished and ready for their use in seven years more. While one part is building another grows out of repair. It had been said, and he believed with truth, that there was danger of the walls tumbling down.

Mr. **Van Cortlandt**, of New York.—I am surprised, on my word. Gentlemen ask why money is wanted. If no money is granted, the Capitol will not be finished in seventy times seven years. Why, want of money is the very reason it has not been finished before.

Mr. **Lewis**, who was the chairman of the select committee that reported the bill, said he was no architect, and could not determine the expense of building in Washington. The select committee had agreed to the sums which had been moved, because they were stated to be necessary by the Superintendent of the public works, Mr. Latrobe. Mr. L. said, the gentleman from Pennsylvania (Mr. **Gregg**) had assigned a satisfactory reason for agreeing to the sum recommended by the committee, that, if they were not granted and repairs made, the walls would tumble down.

Mr. **Jackson** was unable to conceive how twenty thousand dollars could be wanted to furnish one room. If the sum is agreed to, the superintendent would think himself obliged to procure gilded chairs and plated tables. Mr. J. was in favor of economy, not of the economy of the last eight or ten years, but that of old times. Then twenty thousand dollars would have been thought sufficient both to build and furnish a house.

Mr. **Findley**, of Pennsylvania, expressed his opinion in favor of the motion.

Mr. **Masters**, of New York, observed, that they had been told, formerly, that twenty thousand dollars was enough for all the fortifications in the United States, [a loud laugh;] now, this sum is proposed to furnish us with tables and chairs. He thought it was not a good contrast.

The question on agreeing to twenty thousand dollars was lost—ayes 36, noes 61.

Mr. **Jackson** proposed ten thousand dollars.

Mr. D. R. **Williams** proposed five thousand dollars.

Mr. **Cook** was glad the same sum which had been proposed for fortifications, was not agreed to for furnishing a single room, on account of the name of the thing. He proposed eighteen thousand dollars. The motion was negatived—ayes 41, noes 54.

Mr. **Macon** (the Speaker) said, he lived in a country where they had no such expensive furniture, but, judging from the size of the room, and the length of time in which the House had been building, [a laugh,] he imagined the sum first proposed would not be too large. More than twenty thousand dollars, he believed, had been granted for furnishing the President's house. He hoped they would not spoil the room for want of one or two thousand dollars.

Mr. **Lewis** observed, that he had no particular concern in this subject. Perhaps he should never have again the honor of a seat in the House, and if he did he should, he believed, be as willing to sit on a stool as other gentlemen. But the present furniture would not suit the new Chamber in the south wing. There were also several committee rooms to be furnished. The money was to be expended under the direction of the President; and, from his known principles of economy, Mr. L. trusted that, however large a sum should be granted, no more would be expended than what was necessary. Judging from the expense of this House, and of the President's, he thought twenty thousand dollars would not be too much; but as the House had negatived that sum, he proposed seventeen thousand dollars.

Mr. **JACKSON** thought the furniture of this room might suit again. If the tables were small, there would be so much the more room. The members now felt much inconvenience from being so confined in this small Chamber. As the present furniture was good for nothing else, it must, unless used by the House, be put into a bonfire. Mr. J. was against the destruction of so much property.

Mr. **SMILIE**, of Pennsylvania, said that, when they looked back to the beginning of things there, (meaning the location of the public buildings in Washington,) they would find everything sacrificed to accommodate the owners of lots. The Capitol was placed in one part of the city, the Navy yard in another, and the President's house in another. The Capitol and the President's house are so far apart, (the distance is one mile and five-eighths,) that it is very inconvenient. Mr. S. had been against the building of the Capitol, and thought that it would be much better to lay out two hundred and fifty thousand dollars in building a brick house near the President's. But the question now is, whether they would give up the building, or vote the money. Mr. S. was in favor of the motion. The delay could not be owing to want of money, for the House had always given all that had been asked.

The question on agreeing to seventeen thousand dollars, was carried—ayes 56, noes 44.

That part of the bill which proposes to *alter and repair* the east side of the north wing, was next considered.

Mr. D. R. **WILLIAMS** moved to strike out the word "alter." He was willing to repair the north wing, but to alter it according to the plan of the Superintendent would require a great expense, without an adequate benefit.

Mr. **LYON** would agree to the motion, but he feared, if it were adopted, they would never get into the south wing. It was much like the story of the carpenter's boy, who, being asked where his master was, said he had gone to look for another job. Mr. L. was afraid, if the motion was agreed to, the completing of the south wing would be delayed until the Superintendent had found another job.

Mr. D. R. **WILLIAMS** said, he made this motion to try the principle, whether the House would agree to the alterations contemplated in the north wing.* He knew but one reason for the change. It was to make things correspond with the parliamentary language. When a bill is sent down from the Senate to the House of Representatives, it will, if the alteration takes place, really descend, as this House will be about fifteen feet lower than the Senate. Rather than incur a great expense for this object, Mr. W. would rather alter the language and say, a bill is sent up to this House and down to the Senate.

The motion to strike out the word "alter" was agreed to—ayes 77.

Mr. **JACKSON** moved to strike out the words, "east side of." Then the repairs would extend to the whole of the north wing, so far as they might be necessary. The House, he said, was crazy, and, if assailed by a rude attack, would certainly be demolished. The motion was agreed to.

Mr. **LEWIS** said that, if the bill had been permitted to remain as it was reported, he intended to move to fill the last blank with fifty thousand dollars, but as the Committee had determined that there should be no alteration in the north wing, and confined the appropriation to repairs, he had no estimate of the sum with which it would now be necessary to fill the blank. He must go by guess. He had understood that it would cost twenty thousand dollars to put a roof on the north wing, which was much wanted, and some other repairs were necessary. He therefore moved to fill the blank with twenty-five thousand dollars.

The motion was agreed to without a debate—ayes 62.

Fifteen thousand dollars were then proposed for improvements on the President's house and lot, and carried without a division.

The bill, as amended, was reported to the House, who concurred therein, and ordered it to a third reading to-morrow.

MONDAY, February 16.

Mr. **VARNUM**, from the Committee on the Post Office and Post Roads, presented a bill to alter and establish certain post roads, and for other purposes; which was read twice, and committed to a Committee of the whole House to-morrow.

On motion of Mr. **CLAY**,

Resolved, That a committee be appointed to consider the propriety of explaining the operation of the several acts of Congress relative to the Marine corps, and to the Military Peace Establishment of the United States, so far as the same may affect the Commandant of the Marine corps; and that the committee have leave to report by bill, or otherwise.

And a committee was appointed, of Mr. J. **CLAY**, Mr. **WALTON**, and Mr. **LIVINGSTON**.

An engrossed bill to extend the time for locating Virginia military warrants, and for returning the surveys thereon to the office of the Secretary of the Department of War, was read the third time, and passed.

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* In the original plan of the Capitol, no room was provided for the Courts of the United States. The Superintendent of the public buildings, in his report, proposed to make two stories of the Senate Chamber, and apply the upper one to the use of the Courts. The Senate are to be accommodated on the west side of the north wing, by demolishing the library, committee rooms, &c., and making in their place a large room. The bill which gave rise to the debate was drawn in conformity to this idea of the Superintendent.

An engrossed bill respecting seizures made under the authority of the United States, and for other purposes, was read the third time, and passed.

An engrossed bill making appropriations for finishing the south wing of the Capitol, and for other purposes, was read the third time, and passed.

On motion of Mr. Newton

Resolved, That a committee be appointed to inquire whether any, and, if any, what addition ought to be made to the existing Navy Peace Establishment; and that they be authorized to report by bill, or otherwise.

A committee was appointed, of Messrs. Newton, Broom, Mumford, Marion, and Cook.

The bill sent from the Senate, entitled "An act in addition to the act establishing a Mint, and regulating the coins of the United States," was read twice, and committed to Messrs. J. Clay, Quincy, and McCreery.

Mr. J. Randolph, from the Committee of Ways and Means, presented a bill making appropriations for the support of Government, during the year one thousand eight hundred and seven; which was read twice, and committed to a Committee of the Whole on Wednesday next.

Mr. J. Randolph, from the same committee, who were instructed by a resolution of the House, of the seventh instant, "to inquire into the expediency of retaining a greater proportion of the duties on articles, the growth or manufacture of foreign countries, which may be re-exported," made a report thereon; which was read and considered: Whereupon,

Resolved, That the farther consideration of a resolution of the House of Representatives, directing the Committee of Ways and Means "to inquire into the expediency of retaining a greater proportion of the duties on articles, the growth or manufacture of foreign countries, which may be re-exported," be postponed *indefinitely*.

Mr. Lewis, from the committee appointed on the twenty-seventh ultimo, presented a bill for the establishment of a turnpike company in the county of Alexandria, in the District of Columbia; which was read twice, and committed to a Committee of the Whole on Wednesday next.

On motion of Mr. Bassett,

Ordered, That the Committee of the whole House to whom was committed, on the seventh instant, the bill sent from the Senate, entitled "An act to reduce the expenses attending the administration of justice in the District of Columbia," be discharged from the farther consideration thereof; and that the same be committed to Mr. Bassett, Mr. Magruder, Mr. Kelly, Mr. Varnum, and Mr. Blount.

On motion of Mr. Bassett,

Ordered, That the Committee of the whole House to whom was committed, on the twenty-seventh ultimo, the bill supplementary to an act, entitled "An act more effectually to provide for the organization of the militia of the District of Columbia," be discharged from the farther consideration thereof; and that the same be committed to the committee last appointed.

CIRCUIT COURTS.

The bill sent from the Senate, entitled "An act establishing circuit courts in the district of Kentucky, Tennessee, and Ohio," together with the amendments agreed to on the thirteenth instant, were read a third time: Whereupon, the bill, with amendments, was recommitted to a Committee of the Whole this day.

The House, accordingly, resolved itself into the said Committee; and, after some time spent therein, the bill and amendments was reported without amendment thereto.

The bill was then read the third time, and on the question that the same do pass? it was resolved in the affirmative—yeas 82, nays 7, as follows:

Yeas—Evan Alexander, Willis Alston, jr., John Archer, David Bard, Joseph Barker, George M. Bedinger, Thomas Blount, James M. Broom, Robert Brown, John Boyle, William A. Burwell, George W. Campbell, John Chandler, John Claiborne, Joseph Clay, Matthew Clay, Leonard Covington, Richard Cutts, Ezra Darby, John Davenport, jr., John Dawson, Elias Earle, Peter Early, Caleb Ellis, John W. Eppes, William Findley, James Fisk, John Fowler, Charles Goldsborough, Peterson Goodwyn, Andrew Gregg, Isaiah L. Green, Silas Halsey, Seth Hastings, William Helms, David Holmes, John G. Jackson, Thomas Kenan, Nehemiah Knight, John Lambert, Joseph Lewis, jr., Henry W. Livingston, Edward Lloyd, Matthew Lyon, Josiah Masters, William McCreery, Thomas Moore, Jeremiah Morrow, Jonathan O. Mosely, Thomas Newton, jr., Gideon Olin, John Pugh, Josiah Quincy, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Peter Sailly, Thomas Sandford, Martin G. Schuneman, Ebenezer Seaver, James Sloan, Dennis Smelt, John Smilie, Samuel Smith, Henry Southard, Samuel Taggart, Samuel Tenney, David Thomas, Thomas W. Thompson, Uri Tracy, Abram Trigg, Killian K. Van Rensselaer, Joseph B. Varnum, Daniel C. Verplanck, Matthew Walton, John Whitehill, Robert Whitehill, Eliphalet Wickes, Marmaduke Williams, Nathan Williams, Joseph Winston, and Thos. Wynns.

Nays—James M. Garnett, David Meriwether, John Randolph, Richard Stanford, Joseph Stanton, Benjamin Tallmadge, and David R. Williams.

COAST OF NORTH CAROLINA.

The House resolved itself into a Committee of the Whole on a joint resolution, of the tenth instant, "authorizing and directing the Secretary of the Treasury to cause to be published the report and chart of a survey of the coast of North Carolina, made by Thomas Coles and Jonathan Price;" and, after some time spent therein, the Committee rose and reported the resolution without amendment.

The said resolution being again read at the Clerk's table, in the words following, to wit:

Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Secretary of the Treasury be, and be hereby is, authorized and directed to cause to be published the report and chart of a survey of the coast of North Carolina, made by Thomas Coles and Jonathan Price, under the act of Congress, passed at the last session, for that purpose; "and that the said Secretary be authorized to give the privilege of securing to themselves the copy right thereof, provided they will undertake the expense of the publication, and secure the performance of such other conditions, as he may think proper, to promote the objects of the Government in directing the said survey to be made. But such copy right shall not operate to prevent Congress from having said chart incorporated into any general chart of the coast of the United States, which they may think proper to cause to be executed."

A motion was made by Mr. OLIN, and seconded, to amend the said resolution, by striking out therefrom the following words:

"And that the said Secretary be authorized to give them the privilege of securing to themselves the copy right thereof, provided they will undertake the expense of the publication, and secure the performance of such other conditions as he may think proper, to promote the objects of the Government in directing the said survey to be made. But such copy right shall not operate to prevent Congress from having said chart incorporated into any general chart of the coast of the United States which they may think proper to cause to be executed:"

And on the question thereupon, it was resolved in the affirmative.

Ordered, That the said joint resolution, as amended, be engrossed, and read the third time to-day.

LEWIS AND CLARKE.

The House resolved itself into a Committee of the Whole on the bill making compensation to Messieurs Lewis and Clarke, and their companions. The bill was reported with several amendments thereto; which were severally twice read, and agreed to by the House.

The House proceeded further to amend the said bill: When an adjournment being called for, the House adjourned.

TUESDAY, February 17.

Ordered, That the Committee of Commerce and Manufactures be discharged from the further consideration of the petition of John and William Bell, presented to this House on the twenty-fourth of December last.

A motion was then made by Mr. EPPES, that the said petition, and papers accompanying the same, be referred to the Secretary of the Treasury: And, on the question thereupon, it passed in the negative—yeas 47, nays 47.

Mr. SPEAKER declaring himself with the nays.

Mr. J. MORROW, from the Committee on the Public Lands, presented a bill further to regulate the grants of land south of the State of Tennessee; which was twice read, and committed to a Committee of the Whole, on Saturday next.

A message from the Senate informed the House that the Senate agree to all the amendments, except the ninth, proposed by this House to the bill, entitled "An act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, in the year of our Lord one thousand eight hundred and eight," to which said ninth amendment they disagree.

THE WRIT OF HABEAS CORPUS.

The House proceeded to consider the motion of Mr. BROOM, of the seventh instant, and the same being read in the words following, to wit:

Resolved, That it is expedient to make further provision, by law, for securing the privilege of the writ of habeas corpus, to persons in custody, under, or by color of, the authority of the United States."

Mr. BROOM addressed the House as follows:

Mr. Speaker: It will be recollected by the House that I had the honor of submitting a resolution to make further provision by law for securing the privilege of the writ of habeas corpus to persons in custody, under or by color of the authority of the United States. It was then my wish that it should lie upon the table, in order that members might have an opportunity of considering the subject; being fully persuaded that the more it was considered the more evident would the importance of it appear. As it now becomes my duty to call the attention of the House to the subject, I shall move that the resolution be referred to a Committee of the whole House, and I should not offer a single observation in support of this motion, but for the doubts which have been suggested by several members, of the necessity and propriety of legislative interposition at this time. I trust therefore that I shall be indulged in pointing out the necessity and importance of the provision which it is contemplated to make. I am sensible that this subject is not familiar to the majority of this House; for, until now, no circumstance has occurred in this country which could make us duly appreciate the value of the privilege of the writ of habeas corpus. In ordinary times, the laws which already exist may be sufficient, for in such times there is no temptation to transgress the limits of Constitutional or legal privileges; but in times of turbulence and commotion, the mere formal recognition of rights will afford too feeble a barrier against the inflamed passions of men in power, whether excited by an intemperate zeal for the supposed welfare of the country, or by the detestable motives of party rancor or individual oppression. I could have wished that circumstances had never occurred which would make it necessary to fortify, by penal laws, the Constitutional privilege of habeas corpus, and that the whole nation, from the first to the least, had regarded it with such religious veneration, that no officer, either military or civil, would have dared to violate it. But recent circumstances have proved that such a wish would have been in vain, and have demonstrated, more powerfully than any abstract reasoning, the necessity and importance of further legislative provision.

This privilege of the writ of habeas corpus has been deemed so important that, by the ninth section of the first article of the Constitution, it is declared, that it shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it. Such is the value of this privilege, that even the highest legislative body of the Union—the legitimate Representatives of the nation—are not entrusted with the guardianship of it, or suffered to lay their hands upon it, unless when, in cases of extreme danger, the public safety shall make it necessary.

The suspension of this privilege upon slight pretences, it was easily foreseen would destroy its efficacy, and if it depended on the mere will of Congress, it would become, in the hands of the majority, the most certain and convenient means to accomplish the purposes of party persecution, or to gratify political or personal rancor or animosity. This Constitutional provision was only intended as a check upon the power of Congress in abridging the privilege; but was never intended to prevent them from entrenching it around with sound and wholesome laws; on the contrary, it was expected that Congress were prohibited from impairing, at their pleasure, this privilege; that they would regard it as of high importance, and by coercive laws insure its operation. By the fourteenth section of the judiciary law, vol 1, L. U. S., page 58, power is given to certain courts and judges, to grant the writ of habeas corpus; and this is all the provision made by any act of Congress to secure this privilege. Thus the Constitution sanctions the writ, and the act of Congress gives the judges power to grant it; but there is no law of the United States which compels the judge to grant it, or the officer to obey it; and the only remedy left to the individual is that which he derives from the common law of England, (if, indeed, gentlemen will allow to that law any operation in the United States courts;) and that very law upon which we now rely to enforce the privilege was found, during the reign of Charles II., utterly insufficient, and has ever since the thirty-first year of that reign, been considered in England as only auxiliary in securing the privilege of the writ of habeas corpus.

The **Speaker** was sorry to interrupt the gentleman from Delaware, but must observe, that it was not in order to debate the motion until the House should agree to consider it.

Mr. **Smilie** hoped the gentleman from Delaware would be permitted to proceed, as the subject was a very important one.

Mr. **Broom** then moved to consider the motion of reference, to which the House agreed—ayes fifty-seven.

Mr. **Broom**.—I am sorry that I have trespassed upon the rules of the House. I assure the House that it was not intentional, and beg leave to offer to the gentleman from Pennsylvania (Mr. **Smilie**) my acknowledgment for his liberality. As the House has now agreed to consider the motion, I will proceed in support of it. The statute 31, chapter 2, was designed to remedy, and did effectually remedy, the defects of the common law provision on this subject. By that statute severe penalties were imposed on judges refusing to grant the writ of habeas corpus, and on all parties refusing to obey it. In most of the States, laws have been made upon the principle of the statute of Charles, and so far as they extend, are found to have the most beneficial effect in securing the privilege of the writ, but they do not extend to inflicting penalties on judges of the courts or officers of the United States. If the privilege of the writ of habeas corpus be important, and the laws be defective, it is surely our duty to apply the remedy. Of its importance, it is true we have had but little experience in our own country. In England, from whence we derive our knowledge of it, they have proved its value; they have tried it, and it has not been found wanting. In England, this inestimable privilege has been for ages the proud theme of exultation; there they worshipped it as a talismanic wand which could unbar the gates of the strongest prison and dissolve in an instant the fetters of the captive. It was to Englishmen as a wall of fire by night, shielding them from the arbitrary sway of tyrannic power. It is, indeed, the great palladium of that English civil liberty which has exalted the English character. Of the power and influence of civil liberty upon the happiness of the people of England we need no stronger evidence than the situation of surrounding nations, where it was unknown. Let us go back to less civilized times, and we shall see in those nations men in the most abject state of society, suffering oppression in every possible shape; there, every private castle was a secret and inviolable prison; there the life and liberty of the most illustrious, as well as the meanest, subject, were alike the sport of the caprice of a tyrant. Even the petty lordling held as it were the shears of fate, and cut at pleasure the thread of the life of his vassals. A *lettre de cachet* could confine the unhappy victim of power for life in the loathsome walls of a dungeon, and in spite of the ties of affection or blood, friends must forget each other, or share a common fate. The savage tortures of the inquisition chilled the soul with horror, and the gloomy recess of the sanctuaries of religion too often bore witness to the diabolical temper of man when inflamed with passion and unrestrained by wholesome laws. Such was the condition of other countries while the people of England were reposing in security under the protection of their civil institutions; institutions which had received the sanction of ages, and were guarded by the religious veneration of the people. The right to personal liberty, unless for the commission of an offence against law; the right to know the accusation against them, and the right to be tried by their peers, were all recognised by their charters, and which their monarchs had sworn inviolably to observe. These rights were not merely secured by parchment; they were incorporated with the habits, manners, and customs of the people; they were handed down from father to son in trust for posterity, and guarded as a precious inheritance, which could never be diminished with honor. The people were early taught to know them, and to consider it a sacred duty to draw their swords in defence of them. These fundamental rights of Englishmen have existed from their earliest ages; they were collected in a body by Edgar the Saxon; they were revised by Edward the Confessor, and were ratified by William the Conqueror; they were recognised by Magna Charta, and after the wars between Henry III., and his subjects, were confirmed by the statute of Marlborough, and never afterwards questioned. Rights thus maintained through all the convulsions of England; rights thus endeared to the nation, and engraven on the hearts of the people, and which have walked hand in hand with them through the darkest periods of their history, require no other proofs of their importance.

Yet, however important these rights may be, a few moments' reflection will satisfy us that, without the writ of habeas corpus, they could avail but little. The rights may exist as abstract rights, but the writ of habeas corpus affords the most important, if not the only means of exercising them. In vain does the law proclaim that no man shall be imprisoned contrary to law, if the party imprisoned has no access to a tribunal, to decide the question of legality. In vain does the law promise a trial by peers, if the imprisoned party can have no access to a tribunal where he may demand such trial. In short, without the writ of habeas corpus, rights of personal liberty, however solemnly proclaimed, would exist but in name. This writ of habeas corpus is coeval with the rights which it secures. It existed by the force of common law until the subtleties of lawyers had nearly refined it away, when it was aided by the statute of Charles, and has since been found fully adequate to produce the desired effect. If, then, this privilege of the writ of habeas corpus has been productive of the most salutary effects in England, in guarding the liberty of the subject, we have the strongest proof which we can require of its importance to us, except our own experience. It is true we live under a form of Government where the sovereignty is acknowledged to belong to the people; but, let us not vainly imagine that we have no necessity for laws restrictive upon men in power. Under the fair semblance of republicanism has often been practised the most detestable tyranny, and the mild laws of a Republic have too often afforded a shelter for knaves and tyrants, instead of a shield for the virtuous and oppressed. I ask, then, of this House, to hedge round this valuable privilege of the writ of habeas corpus with efficient laws. I beg them to profit by the experience of others, and grow wise in time. Let it not be said that we are less jealous of our personal liberty than the people of England; or, that the important privilege which guards it is less dear to us, because we have not, like them, waded through blood to maintain it. Let us, with the Constitution, acknowledge the importance and sanctity of the privilege, and proceed without delay to fortify it with penal statutes. The warnings which we have lately received, call loudly on us to guard against it more effectually in future. It has been too generally our misfortune to wait until offences have been committed, before we have provided a punishment; but, when such offences have been committed, the public attention has been awakened, and laws have been passed to guard against them in future. The violations of our Constitutional privileges at New Orleans, have shown clearly the insufficiency of existing laws and the imperious necessity of providing the remedy. If we will not be roused from our slumbers by the experience which we have had, I shall despair that we will ever be awakened to any sensibility of our personal rights—for, let it be remembered, that these abuses are not of an ordinary character—they have been committed by a military officer at the head of the Army of the United States, and in full view of the highest authorities of the Union. The civil authority at New Orleans has been trampled under foot, and the commander of the army, in the plenitude of his power, avows his disobedience to laws and Constitution, and takes on himself all the responsibility of the violation of our Constitutional rights of personal liberty. Lost in amazement at this bold and unprecedented stretch of power, we can scarcely be sensible of its extent, unless we contrast it deliberately with the Constitution. The Constitution declares that no warrant shall issue but upon probable cause, supported by oath or affirmation; that no citizen shall be deprived of his liberty without due process of law; and, that the accused shall enjoy the right of a speedy trial by a jury of the district where the offence was committed. Yet, in defiance of all these Constitutional provisions, our citizens have been arrested without any warrant, and without any process of law whatever; deprived of their liberty; confined in military prisons, and transported, under military guards, two thousand miles from the place where the offence was committed. The Constitutional privilege of the writ of habeas corpus, which is to secure these rights to the citizen, has been treated with contempt, and a military officer vauntingly takes upon himself all the responsibility of wilful disobedience to the writ. For all these violations, we are to be told that the conspiracy which existed in that country will afford a sufficient justification. With respect to the conspiracy, whatever might have been its contemplated extent, we have reason to believe that it is now at an end. And, without determining whether the aspect which it had at New Orleans was really alarming to the General, or whether any circumstances do exist which may palliate his conduct, this much we all know, that his power was employed in the arbitrary violation of the rights of the citizen, and that the conspiracy is to furnish the justification. Such conduct, and even such a justification, I look upon with abhorrence and dread. For, if, upon every alarm of conspiracy, our rights of personal liberty are to be entrusted to the keeping of a military commander, we may prepare to take our leave of them forever. For my own part, I wish to live under a Government of laws, and not of men; for, however pure and upright be the intentions of our military commanders, however virtuous, and even unsuspected be their conduct, I can never agree that my right to personal liberty shall depend on their forbearance and discretion. I know not whether these men that have been arrested are innocent or guilty of the treason with which they are charged, but, whether innocent or guilty, they must be arrested and tried according to law. However atrocious the crime which has been committed, the punishment must be according to law. For, in transgressing the limits of the law to revenge upon a criminal the wrongs of society, we are guilty of injustice both to society and the criminal. The manner and circumstances attending these arrests, have been of the most uncommon kind. It is said that all intercourse between one of the prisoners and his family and friends, was cut off, and that not a soul, except military men, was suffered to approach him; that, after being detained under close military confinement for nearly two weeks, he was transported, by the way of Baltimore to this city, and that, upon his arrival here, he was informed that there was no evidence to support any charge against him whatever. But whether this man, or the others who have been arrested, are guilty, or not, it can have no influence upon our deliberations at this time. For, if even these violations now affect only the guilty, they may, at the discretion of the military officer, be extended to the innocent. It is enough for us to know that the rights of personal liberty, guarantied by the Constitution, have been openly violated in the person of a citizen of the United States, and that no laws exist sufficiently effectual to prevent or to punish such violations. It then becomes our duty, as faithful guardians of the public rights, to interpose our authority in order to preserve them. But, if we content ourselves with tamely looking on, while our best rights are trampled upon, we become partakers of the guilt by the encouragement which we give the offenders. For these violations, what remedy has the most innocent individual against the officer who arrested and transported him? As the laws of the United States have provided none, his remedy is at common law. He must sue for false imprisonment, and it depends entirely on the jury to say whether they will give him anything or nothing. Can a remedy so uncertain prevent the offence? or, will a remedy so precarious, always remunerate the injured? But, if to this, we add exemplary penalties, we have, surely, an additional security that the laws will be obeyed. The laws are not, and in my opinion will not be sufficient, unless they punish in the most prompt and exemplary manner all judges who refuse to grant the writ of habeas corpus, and all officers who refuse to obey it. For such offences, ruin ought to stare a man in the face; and, when he has so seriously abused his power, he ought to be stripped of it forever. But, if we have no laws to guard us against these abuses, and are unwilling to make any, we take upon ourselves all the responsibility of future violations.

I wish, and propose to entrench our privileges with the most vigorous laws—such as will suffer no man to violate them with impunity. There is no citizen of the United States, however abject his condition in society, in whose person the Constitutional rights of personal liberty are not sacred; and, however exalted the situation of the person who tramples upon them, or however plausible the pretence, the punishment ought to be prompt, certain, and exemplary.—Dangerous, indeed, will be the situation of our country, if every alarm of conspiracy is to be followed with the seizure and transportation of our citizens at the will of a military commander, and in defiance of the civil authority. If such a doctrine be looked upon, not only without abhorrence, but even with approbation, how easy will be the transition from lawful, to lawless power! Leaving the examples of ancient times—where the rumors of conspiracies have raised in an instant the body-guards of tyrants—we have seen, in modern France, the cry of conspiracy made the signal of massacre, or the pretext for some violent usurpation of power. I do not pretend to say that this conspiracy has been fomented or permitted from any sinister views. It is enough to point out the danger to be apprehended from suffering this dark and dangerous machine of conspiracy, to be any apology for the violation of all the most solemn Constitutional rights of personal liberty. Having witnessed the defects of our laws, and the dangerous abuses of our most valuable privileges, let us proceed to provide the remedies. Rights so important cannot be too strongly guarded, and violations so serious cannot be too strictly prohibited.

Mr. **Burwell** said he had determined to vote for the reference of the resolution, that the mover might suggest any additional security to the personal liberty of the citizen he thought necessary, although he did not believe a change in the law material, or that one essential provision had been omitted. Had the gentleman from Delaware confined his remarks to the subject of his motion, and avoided observations unconnected with his ostensible object, he should have acquiesced silently. The Constitution of the United States recognises the writ of habeas corpus, without determining in what manner it shall be enforced in the courts. That can only be ascertained by recurring to the acts of Congress in 1789, establishing a Judicial system, organizing courts, and fixing their powers. The fourteenth section of that law relates to this writ, and says: "This and all 'other writs not specially provided for by statute 'shall be issued agreeable to the principles and 'usage of law." Mr. B. contended the principles here alluded to could only be those of the English law, and the usages those of their courts; otherwise there could not be found in the Constitution, or laws of the Union, a single sentence relative to the subject, and the decisions heretofore had in our courts would be consequently illegal. He said he was fully justified in this position by the uniform proceedings in the courts, and particularly those which had recently taken place in this district before the court acting expressly under the laws of Congress. To show how ample the provisions were, he referred to Blackstone's Commentaries, vol. 3, p. 137, statute Charles 2d, "Any prisoner may move for and ob-

'tain his writ of habeas corpus, &c., and the Lord 'Chancellor or Judges denying the same on sight 'of the warrant or oath, that the same is refused, 'shall forfeit to the party grieved, the sum," &c. The judge is here compelled, under heavy penalties, to afford relief to all persons who apply for the writ, and we shall presently see the law guard against delay or evasion by farther limitations on the discretion of the judges. Mr. B. said he admitted the specific penalties of the statute did not attach to the judges and courts of this country; but it established their duties, and the punishment inflicted is regulated by the Constitution and law of the United States applicable to judicial offences and misdemeanors. The same statute provides, "that officers and keepers neglecting to make due 'returns, or not delivering to the prisoner or his 'agent a copy of the warrant of commitment 'within six hours, or shifting the custody of the 'prisoner without sufficient authority, shall for'feit," &c. In addition to this, the court could enforce its process by attachment, fine, and imprisonment, and call on the Executive for aid, if resistance is made. Mr. B. said this statute was considered as having completely guarded against oppression, and was expressly intended to put an end to the evasion of the judges: "The oppres'sion of an obscure individual gave birth to the 'famous habeas corpus act, 31st Charles 2d, which 'is frequently considered as another magna charta 'of the Kingdom, and by consequence and analo'gy has also in subsequent times reduced the gen'eral method of proceeding on these writs, and '(though not within the reach of that statute by 'issuing merely at common law) to the true 'standard of law and liberty." Black. Com. 136. What more is requisite? Your courts are compelled to issue process and grant relief; your officers to carry it into effect, and your citizens to obey. Mr. B. observed, it appeared to him impossible to devise additional provisions, when those already incorporated into the jurisprudence of the country by the act of Congress, and exercised by the courts, embrace every case arising under the laws, and extend to all persons confined under the authority or color of authority of the United States. He, however, was not a professional man, and was therefore the more disposed in favor of the commitment, lest he should be mistaken in his impressions. If the gentleman from Delaware should discover any salutary alterations, he should not only receive his vote but his thanks.

We have been told, said Mr. B., that all the States have passed laws upon this subject. Does it follow we have none? Certainly not. They have enacted the provisions of this statute specifically; we have adopted them by reference; each mode is equally good, and affords equal protection to individual rights. Indeed, it is incredible we should have remained until the present time ignorant of this chasm in our institutions; and whatever the gentleman may say, the recent events at New Orleans are not the first in this country which would have announced its existence. As far back as 1795, a distinguished citizen, during the insurrection of Pennsylvania, was seized by the military, carried to Philadelphia, and committed to jail without a mittimus, and kept three months in confinement. Notwithstanding repeated applications for the writ of habeas corpus every effort was evaded during that period, and at length, when he was brought before the court, not a particle of evidence was exhibited to justify his imprisonment, or impeach his patriotism; but, on the contrary, Mr. B. said he would assert with confidence the affidavits produced acquitted him of all guilt in the insurrection, and proved he had exerted his great influence to moderate the discontent, and quiet the apprehensions, and restrain the violence of the people. If this statement was denied, Mr. B. said he could substantiate its truth; the case had been reported, and now formed a precedent in the Supreme Court of the United States, which had been frequently cited during the present term. Why has the vigilance of gentlemen reposed so long? Why has this early and impressive intimation been disregarded, if the law was defective? The gentleman from Delaware says, the late arrests at New Orleans by the military are early warnings of the danger of standing armies. Mr. B. accepted the hint, and hoped the gentleman would himself recollect and profit by it. Those who acted with him had long been partial to those establishments, and blind to their tendency. The events alluded to proved the indispensable necessity of preserving them subordinate to the civil authority. This proved the importance of reducing the standing army to the lowest point compatible with the safety of the frontiers. This was the reason which induced him during the present session to vote against the proposed augmentation of our forces; and while he continued to entertain his present opinions, and felt his present jealousies of a conflict between the civil and military power, he was determined to avoid the issue by keeping the latter in complete subordination. If an opposite policy should ever become ascendant in this country, the measures at New Orleans, instead of being temporary, will be entailed upon us. Mr. B. said he thought it improper to mention the events which had occurred at New Orleans. It was extremely probable prosecutions would be commenced against the officer, and any expressions of disapprobation in that House would give a tone to public opinion which justice required should as yet be suspended. Every person admitted the Commander-in-chief had violated the law. He admitted it himself, and assigned reasons of justification which we ought not to decide, but leave to the courts of justice. They are the proper tribunals to punish those who infringe the rights of the citizen; and until they are closed by power, or their decrees set at defiance, and the Executive unable to enforce them, legislative interference cannot be necessary. It has been said, every officer who refuses to obey the writ of habeas corpus from a court should be punished with death; and this has been proposed as an effectual provision to secure the benefit of this writ. Has the gentleman so soon forgotten the doctrine advanced on that side of the House, and assented to during the present session, when we were told a military officer knew no law but the orders of his superior; when we were told the contrary was monstrous, absurd, and subversive of all subordination in the army; that they were not lawyers versed in your laws and Constitution? Mr. B. hoped he had. But the gentleman from Delaware had run into exactly the opposite extreme, by placing the highest and lowest officer upon the same footing, exacting from both the same knowledge of the law, attaching the same responsibility, and, contrary to every principle of justice and humanity, punishing with the same severity the man who intentionally and knowingly violates the law, and the man who ignorantly commits a breach of duty. It would completely reverse what has been so long and wisely recognised in our criminal jurisprudence. The redress allowed to a man who has been forcibly seized and imprisoned without legal authority under the existing laws, is much more conformable to equity than this mode. It is an offence against an individual's rights, and should be punished, like all other injuries of a personal nature, by action and recovery of damages, in which the jury will always have a just regard to the rank of the offender, the innocence of the victim, and the wantonness of the violence. They will discriminate between the lawless exercise of power by the Commander-in-chief and the subaltern, who executes what he supposes he is bound by his oath to perform. Mr. B. said the mover of this resolution had expressed more alarm at the situation of this country than was real, or than he supposed was felt by any member of this House. One would imagine that the arrests at Orleans had extended through the whole nation, and that no man was safe from persecution. As far as he had understood, the moment those arrested had reached the United States, they had been turned over to the courts, and every privilege been extended to them. The people of this country can never be in danger while their Representatives remain pure, and are disposed to withhold from the Executive dictatorial powers. Have we not already, during the present session, given the most honorable pledge to our constituents that we are not inattentive to their security, when we rejected the bill to suspend the writ of habeas corpus? Why talk of the lettres de cachet which have issued in France, and of other oppressions in that nation? Our Government is neither actuated by such passions, nor invested with such powers. It is degrading to assimilate the two Governments, and argue from a similarity which does not and cannot exist. The one is composed of responsible agents; the other is despotic, cruel, unrelenting, and corrupt.

Mr. Eppes observed that whenever he should feel less attachment to the personal right of the citizen than the gentleman from Delaware, or any other member of the House, he hoped that those by whom he was elected would select some representative more worthy of their confidence. If the gentleman was really sincere in the principles he had advanced, he tendered to him his congratulations on his conversion to Democracy. If, on the contrary, his new principles were assumed like a Sunday coat, to be laid aside in the evening, it would afford one more example of the truth of the observation made by the celebrated Burke, that the same party can at one period trample on the rights of the citizen, and at another become declaimers in favor of personal liberty. He did not consider the resolution as designed to remedy any defect in our laws, but to afford an opportunity to gentlemen who care not much about personal rights, to make some noise about them. He considered it as a portion of the same spirit which had manifested itself in the courts below. Who are there the champions of human right? The ex-Attorney General of the United States; the leader of 1798 and 1799 turned Jacobin, changing his political catechism, and become the dupe of his own eloquence! To crown the climax, behold another noble champion of human right—the ex-Attorney General of Maryland; the very man who turned down the leaves of the "Prospect Before Us"—marked the passages which breathed too much freedom—drew in cold blood an indictment at one hundred and fifty miles from the scene of action, and became a volunteer in the godly work of persecution! When the personal right of the citizen shall depend on a mandate like this, liberty will indeed be in danger. If ever the Goddess of Liberty should meet his foul embrace, she will not be defiled only, but strangled. The greatest monster in human shape is, a tyrant in principle, with the Rights of Man in his mouth. A wretch sunk to the last step in the political ladder, and willing again to mount by principles he never felt.

Where has this zeal of a certain party for the rights of man so long slumbered? Where was it when the sedition law was passed? Where was it when a member of this House was imprisoned and deprived of his Constitutional privilege for printing a letter from the Secretary of War, acknowledged to be genuine? Where was it when General Hamilton was seized in the western parts of Pennsylvania, without the shadow of authority; driven like a convicted felon before the bayonet to Philadelphia, and there imprisoned for months without the possibility of obtaining a habeas corpus? Where was this zeal when the rights of aliens were suspended, that whole class of people placed under the will of the Executive, and a power given by law to seize and ship them? Dead, sir! The rights of man were not much in fashion with the party at that time. Plots, clues to conspiracies, and a gag for the mouth of him who dared to arraign the Federal immaculacy, was then the order of the day. When I shall believe the sympathy which these men affect to feel for a character, so recently hunted by them through the community like a wolf, is sincere, I may then credit their attachment to human rights, and not till then.

The real secret in this business is, that the termination of this affair in the Western country does not suit the Federal palate. To reduce an insurrection without an army or navy is a very anti-federal thing. They do not understand, and cannot admire that kind of energy in government which derives its force from confidence and attachment on the part of the people. We have heard in former times, from high authority, that the expedition against what was termed the insurgents of Pennsylvania, was intended to try the strength of the Government; that no Government was considered safe until its forces had been called out to support its laws. We now present to the world another example. The people of our country voluntarily preferring the Government of their choice, to views of personal aggrandizement or interest, obeying peaceably the proclamation, and returning quietly to their homes as soon as the enterprise in which they were embarked appeared to be illegal. Deserting a leader inferior to no man in talents and firmness, possessing unbounded pecuniary resources, and above all, the peculiar art of attaching to him the hearts of his friends. The mines of Mexico; the wealth, the honors, held out to his followers by such a leader, could not reconcile to Americans the odious appellation of traitors. The honest and independent citizens of your country returned to their homes to cultivate that soil on which fortune had placed them, as soon as they discovered the real objects of the expedition. Behold a triumph honorable to the American character, carrying with it irresistible evidence of the firmness of our Union, and of the patriotism of the great body of our people!

But we are told that a most daring violation of human right has taken place—that men have been seized in New Orleans and shipped here for trial. Far be it from me to exaggerate or soften these acts. Such as they are, I am willing to trust them to an enlightened community. An officer has undertaken at his own responsibility to seize and send here three persons. Two of them charged on his oath with treason, or misprision of treason, and the third by him believed to be guilty. The first two on their arrival here were delivered over to the civil authority, and on solemn argument committed on a charge for treason. The other was delivered over to the civil authority also and discharged. No man will say that the conduct of the officer who seized and shipped these persons is legal. He has done an illegal act at the risk of his fortune in damages. Let the law take its course; let the individuals prosecute; let an honest jury put on one side the crime with which they are charged, and on the other, illegal arrest and shipment; let them strike the balance. If they assess damages, and it shall hereafter appear that this was a wanton and unnecessary exercise of power, the officer must suffer. If, on the contrary, it shall appear that the officer had no object in view but the public good, that he did really believe New Orleans about to be attacked by a superior force, and that these prisoners could not be safely kept there, I for one, shall not hesitate to pay the damages assessed against him. Freedom can never be endangered by an act like this, where your laws are suffered to take their natural course without suspension or interruption—where the injured individual can bring before a jury his claim for damages. What more safe, more certain, or adequate remedy can you ask for an injury done to personal freedom, than the verdict of a jury of freemen? What would be the feelings of an honest and independent jury called upon to decide a case like this, where an innocent individual of character had been seized and shipped? The damages would be such as to heal the wounded feelings of the oppressed individual, and to deter in future the commission of such an act. If, on the contrary, strong circumstances of guilt should appear against the individual, the damages would be nothing. The officer must depend on establishing before the community the purity of his motives, and the probable guilt of those on whom he has exercised power in violation of right. If the individuals seized and sent here shall be found to be innocent, I should wish them to recover heavy damages. Under my present impressions I should certainly, if on their jury, not assess damages. If the charges made against them are well founded, I would as soon give damages against an individual who seized and secured for trial a highway robber. The public officer who knows of the existence of treason; who sees an individual embarked in schemes dishonorable to his country; who believes him aiding an approaching enemy, would deserve to be broke if he did not seize him. On the present occasion the officer has gone further—he has seized and sent them to you. He has violated the personal right of the citizen. If from honest zeal for the public good, he will find a sure protection and shield before an independent and patriotic jury. If the persons are innocent, and have been seized by him to wreak private resentment, or on any motive less pure than the public welfare, his reputation as a soldier is destroyed, and his fortune must be lost in damages. I do not believe, however, that much sympathy will be excited in the public mind, when the people shall understand about what, and about whom, all these clamors have been raised. What is the naked fact? General Wilkinson has seized and sent round to the seat of Government three persons, at a time when he believed New Orleans in danger of being attacked by a superior force. Of these persons, the one is a bankrupt foreigner, charged on oath with being an accomplice of Aaron Burr. The second, a young American, charged also on the oath of your Commander-in-chief, with having disgraced the American character, by condescending to be employed as an agent for corrupting your Army; with having actually carried proposals of bribery to your Commander-in-chief. The third, a foreign lawyer, who owes to the liberality of the people of this country his bread. Two of these persons, in good Federal times, might have been transported under the alien law to Botany Bay. But men are now seen in your courts actively denouncing this measure, who voted for and perhaps brought forward the alien law. I mention not this to justify the present proceeding, but to show to the people the spirit in which this resolution has originated. Your Commander-in-chief has been placed in a difficult situation. In daily expectation of an attack by a superior force, and opposed by the whole body of the law in the territory, a man greatly his superior in talents and firmness might have erred. He ought most certainly to have delivered over these persons to the civil authority. Had he done this, however, it is not yet decided where the trial would have been held. The district court of New Orleans has the same jurisdiction with the district court of Kentucky. The Kentucky district court has the ordinary criminal jurisdiction of a district court of the United States, which extends only to offences punishable by fine or whipping, and the whole civil jurisdiction of a circuit court of the United States; so that these persons if charged with treason against the United States could not have been tried in New Orleans, and must have been sent here or elsewhere by the civil authority. Thus much for the violation of right which has taken place.

Let us now examine how far any new provision by law may be necessary to secure to the people of this country the privilege of the writ of habeas corpus, which gentlemen avow to be the object of this resolution. The right as it now stands is secured to the people by the Constitution. Every judge of the United States has power to grant the writ, and every citizen of the United States is bound to obey it. But, says the gentleman, if a judge refuses it, what are you to do? The penalties of the statute of Charles the Second are not in force here. I say remove the judge from office. If your provisions on this subject are defective, amend them. Let the judge, like every other individual, feel responsibility, and he will be honest. The idea of enforcing a high responsible officer to do his duty by pecuniary fine, is a departure from the principles of our Government. No instance can be produced under the Government of an officer of trust being compelled by pecuniary fine to discharge his duty. The true principle of a republican Government is this: Dismiss from office faithless servants. But I would ask, suppose a judge violates any other right secured by the Constitution? Suppose he refuses to a citizen his Constitutional right of trial by jury, and subjects him to punishment without trial by his peers, would you in these instances say he should be subject to a fine? No, sir. Let such a judge be disgraced—let him be turned from public employment. Let not the purity of justice be sullied by having on your bench men, who, dead to the feelings of patriotism, and unmindful of their Constitutional oath, must be compelled by fines and penalties to discharge their duty. The power of enforcing this writ as it stands under the Constitution and laws of the United States is complete. It is enforced in the same manner with all other processes issuing from the courts of the United States. The judge must in the first instance send the marshal. If the writ is disobeyed, he takes the *posse comitatus.* If this is not sufficient, the judge certifies to the Executive that the laws cannot be carried into effect, and the arm of the nation must be extended to support the judiciary. This is no theory—it has already been acted upon in this country. On the certificate of a judge that the laws could not be enforced, the militia were marched to the western parts of Pennsylvania. If your judges have no power to enforce the writ of habeas corpus, I should be glad to know how they enforce any other. It was not because the privilege of the writ of habeas corpus is not sufficiently secured. It was not because the judges refused to issue it or wanted power to enforce it that this violation of right has occurred, but because the persons who might have claimed this privilege were snatched, under peculiar circumstances, from their jurisdiction. As the gentleman from Delaware has thought proper, on a motion to commit, to enter into a discussion of the merits of this proposition, I have made these observations. I have no objection to refer the resolution to a committee for the purpose of a full and fair discussion. I have no hesitation, however, in declaring that it is only to allow an opportunity for discussion, that I shall vote for the reference. I do not believe that any additional provisions are necessary to secure to the people of this country the privilege of the writ of habeas corpus; on the contrary, I do firmly believe that this right, like all others secured by the Constitution, can never be lost, or violated with impunity, until corruption shall have destroyed the principles of our Government.

Mr. Bidwell observed that on a motion to refer this resolution to a Committee of the Whole, he thought it unnecessary to discuss the merits of the subject at large; since the very object of the commitment was to afford a full and fair opportunity for such a discussion, and for any specific proposition, which the mover might think proper to submit. He was in favor of the proposed commitment, but on very different grounds from some of those which had been urged. Whether the conduct of the commander of the Army in arresting certain persons who attempted to corrupt him and to seduce the Army, to join in a conspiracy against their country, was to be condemned or not, was a question not suitable to be acted on at the present time, and under existing circumstances. If the House were the proper tribunal to decide that point, this was not the proper mode of deciding it, nor the proper time for the decision. No one would deny that the commander of an army or of a post might be so circumstanced, that it would be his duty to make a seizure of suspected persons, or perhaps do other acts not provided for by any law. In such a case he must act under a high responsibility, and throw himself upon the justice of his country. On this ground General Wilkinson had professed to act. If his professions should be justified by the real state of facts, he would be entitled to a favorable consideration. But at present it was unseasonable for the Legislature to express any opinion or take any measure. He regretted, therefore, that the gentleman from Delaware (Mr. Broom) had resorted to this transaction in support of his motion. On general principles, Mr. B. added, he was willing to go into a Committee of the Whole on the subject. The importance of the privilege of habeas corpus was acknowledged by all. The Constitution, by restricting the Legislature from suspending it, except when in cases of invasion or rebellion, the public safety may require a suspension, had recognised it as a writ of right, and our statutes had authorized certain courts and magistrates to grant it. It had been, indeed, in some respects doubtful where the authority to issue such writs was lodged. Whether, for instance, the Supreme Court, a circuit court, or the justices of the Supreme Court, out of their appropriate circuits, had that authority, were questions, on which not only professional men, but judges themselves, had differed in opinion. Some improvements, perhaps, might be suggested. Although he lamented that the gentleman from Delaware had moved the subject at the present time, while some of the questions involved in it were under the consideration of the judiciary, and that he had referred, in his argument, to the late transactions at New Orleans, of which we have not sufficient information to form a satisfactory judgment, yet, he would consent to refer the resolution to a Committee of the Whole, for the purpose of considering such propositions as that gentleman might offer for the amendment of the law.

Mr. EARLY.—Mr. Speaker, I feel very much at a loss to discover the correctness of the conclusions drawn by the two gentlemen from Virginia, (Mr. EPPES and Mr. BURWELL,) from the reasoning which they have used. My views of this subject are in part the same with theirs; but those views will lead me to give a vote directly the reverse of that which they intend.

The motion to refer the resolution under consideration is objectionable with me, because of the time at which it is made. The resolution itself was laid upon the table upwards of a week ago—indeed ten days ago. And now when there is left but a very short space of the season, and the House is extremely pressed with other business highly necessary to be done, the resolution is called up, and a motion made to refer it to the Committee of the Whole.

No gentleman can believe that the subject can be matured and a law passed this session Indeed, sir, it does not appear that the honorable mover himself intended that anything definitive should be done. On the contrary, from the course he has thought proper to pursue, it would appear everyhow probable that even his own wishes were otherwise. It would appear, sir, that he had intended from the beginning to use the occasion as an instrument by which an impression should be made upon the public mind unfavorable to some recent transactions at New Orleans. Indeed the gentleman has come out and openly given to the subject that direction. And this circumstance forms with me another objection to the motion for a reference. Hang up the subject until the next session, and what must be the conclusion in the public mind? The answer is irresistible—that this House entertain the idea that the privilege of habeas corpus has been unnecessarily infracted. What follows? That the recent transactions at New Orleans were not demanded by an imperious necessity, and of course ought to receive the indignant frowns of the nation. The agent in those transactions, too, must in the mean time be consigned over to public odium. Now, sir, I take this occasion to declare my most decided hostility to such a a procedure. I will never consent to a measure calculated to give an unfriendly direction to the public mind, when we ourselves are without that information necessary to give a direction to our own. I will never consent to deliver up a highly responsible public functionary to the torture, before that functionary can have an opportunity to be heard in his own justification. In my opinion, Mr. Speaker, it depends upon events yet to be developed, whether the commander of the American Army has deserved execration, or merited applause. It may turn out that his conduct is without excuse, and it may turn out that it has been highly meritorious. He may have acted a part, for which he should suffer condign punishment, and he may have acted a part for which his memory would be entitled to a statue of gold.

There is, with me, another objection to the reference. The motion, timed as it is, and accompanied by the speech we have this day heard from the honorable mover, has a suspicious aspect and influence upon certain judicial procedures, depending at the present moment within the walls of this building. Is this House willing to suffer such manœuvres to take their proposed course, and to produce their wished-for effect? Are they prepared to interpose the weight of their influence to ward off the infliction of punishment upon traitors, by passing sentence of condemnation on acts which have produced their arrest and confinement? But it is not now alone that this pernicious tendency of the resolution is to be felt. Actions for damages are no doubt to be brought against the Commander-in-chief. Whether the damages which may be recovered, ought or ought not to be made good to him by the Government, must depend upon circumstances yet to be developed. That he has violated both law and Constitution, is not denied. But whether there existed that imperious necessity for such violation, which alone can justify it, and give him a claim upon the Government for the damages to which he may be subjected in consequence thereof, can only be determined upon a full view of all circumstances. Here presents itself another strong objection to the resolution. Its tendency is to procure now that expression of opinion by the National Legislature, in relation to the events at New Orleans, which will, which must, raise a powerful obstacle hereafter, against a remuneration of any damages that may be recovered against the Commander-in chief. To this I will not consent—against it I hold up my hands, and enter my most solemn protest. There is still a farther objection; the tendency of the resolution, if adopted by the House, will be to influence the amount of damages which may be assessed. Yes, sir, it will be viewed as the expression of an opinion on the part of Congress as to the demerits of the act for which damages are claimed. The effect upon the minds of a jury is even more to be dreaded than that upon the opinion of the judges. Who is there that cannot perceive its force? Who that must not deprecate its effect! If it should be observed that the resolution itself cannot be open to all the objections now urged against it, let it be recollected that the honorable mover has taken special care to give to it a direction, and accompany it by circumstances which must insure to it the operation complained of. In ordinary cases there can most certainly be no objection against an inquiry after defects in any branch of law, with a view to the application of some remedy. But such is not, as I apprehend, the state of the present question. Admit, for argument's sake, that a defect does exist in the present provisions for securing the habeas corpus privilege, can an adequate remedy be now applied? It cannot, we know it cannot.

But, Mr. Speaker, where is the proof that the provisions now in force are not sufficient for the security of the person? Have you any evidence to this effect? If you have, I am ignorant of it. Are not the courts of justice open? Let the persons injured resort thither. Let their complaints be laid before an American jury. Will not an adequate redress be had there? Are the people of the United States too insensible of the value of the privilege of the habeas corpus to award damages proportionate to the injury sustained by its infraction? Or is it that gentlemen suspect, that the individuals who have been arrested were engaged in a plot so diabolical that a jury would, upon a view of the whole ground, assess damages too inconsiderable to comport with their wishes? Is it for this reason that the American Congress are asked to prejudge the case, and to throw their weight into the scale against an officer who, from eveything that yet appears, has acted from motives of the purest patriotism? The part he had to perform was one of the most arduous ever assigned to the lot of man. Entrusted with the defence of an important and extremely remote point, where all was to be done before instructions could be received from his Government, every measure was to be taken by his own judgment and upon his own responsibility. His chance of information as to the extent of the danger was extremely limited, and, so far as facts have come to light, he had powerful reasons for believing that the conspiracy was deeply laid—that it had diffused itself extensively in the very bosom of the country against which it was directed, and that it would be supported by a military force far more numerous than any he had at command.

Under such circumstances, Mr. Speaker, I repeat my decided hostility both to the resolution and the motion for its reference. And I again repeat, let the parties complaining to have been injured, resort to the proper sources for redress; let them go to the courts of justice. Here are the Constitutional organs for determining how far the existing legal and Constitutional provisions can administer redress. When these are, in the Constitutional mode, found deficient, it will then be time sufficient to apply the proper remedy.

Mr. Broom.—Mr. Speaker, I confess that the opposition which this resolution has met with does surprise and astonish me, and more especially when I consider the quarter from which it comes. That those who have been the most clamorous about the rights of the people, who have been jealous in the extreme of even the lawful exercise of power, who have assumed to themselves almost the exclusive privilege of protecting our rights, should now refuse even an inquiry whether those rights cannot be better protected, is to me a problem which I cannot solve, unless I suppose that these were principles and professions intended only for opposition, but never as the guide of administration. But when the principle is avowed that no laws shall be enacted for better securing our personal rights, and that no inquiry even on the subject shall be made at this time lest it might cast a censure on the conduct of an officer who violated them, I consider it my duty to protest against it. Sir, is it come to this, that when the Commander-in-chief of the Army of the United States shall turn his arms against our Constitutional rights, that we shall not provide against future violations for fear of exciting a prejudice in the public mind against the officer? Prostrate indeed must be our condition when we can see our great rights of personal liberty trampled upon by a military commander, and be deterred from legislating lest the punishment of future violations should be construed into the murmur of disapprobation of the past! For my own part, I deprecate such a state of things, and, in spite of party, trust that the highest legislative body of a free people will not be found so unfaithful to themselves and their country as to give it their sanction. But why, it is asked, am I thus zealous for the rights of the citizens? I arraign not the motives of the gentleman from Virginia (Mr. Eppes) for opposing this resolution; and, without a word in explanation of my own, I would be willing that the public should judge between us of our motives by our conduct. But, sir, it gives me pride and pleasure to avow my motives. I have beheld with indignation and horror, citizens of the United States illegally arrested, denied their Constitutional privileges, and transported, at the will of a military commander, nearly two thousand miles, before they were delivered up to the custody of the law. Instead of seeing such conduct marked with abhorrence I found the guardians of the people's rights singing prases to the sacrifices of the patriot and the honor of the soldier. I beheld these victims of power delivered over in solemn pomp to the ministers of justice, that they might crown with law the acts of tyranny and oppression. When I found these violations repeated and even aggravated; when I beheld a citizen of the United States arrested at the point of the bayonet, without any warrant whatever; imprisoned for weeks in his own country; cut off from all intercourse with family and friends, denied access to courts, and privilege of counsel, and deported under military escort from New Orleans to Washington, without any accusation, I considered it high time for Congress to put a stop to an evil which affected the rights of the whole community, and seemed to acknowledge no limits. I did hope that all would be sensible of these outrages, and with hearty zeal provide by efficient laws for the prevention of them in future. I did expect that the violations of the Constitutional rights of any citizen, however mean and abject his situation, would, as it was a common interest, be made a common cause. With such views of this case, I could not reconcile it to myself to be a silent spectator. It is asked why so much sensibility for men who are charged with treason against Government? I answer, that it is no matter how infamous the crime or how hardened the villain;—whenever the rights of personal liberty are attacked in the person of such offenders, it is a side blow aimed at the whole community, which they will and ought to feel most sensibly; and whenever the prejudices against a crime are made the pretext for the illegal oppression of the person charged, the attack is too dangerous to be trifled with; and I consider that he who can without concern look upon such violations of the rights of others, and indifferently folding his arms, console himself that it is not his own case, is not worthy of the character of an American, or the privileges which he enjoys. If these men are guilty of treason, their crime is of the blackest kind; depraved indeed must be that heart which can conceive treason against the United States. I have no charity for the crime, and with all my heart would punish it. But I cannot consent to break through laws and constitution to punish the traitor, much less one who is only suspected of treason. Now let me ask gentlemen, in my turn, why they feel so much sensibility about Gen. Wilkinson, and so little about the rights of the citizen? Are they afraid that the Administration will be implicated with the General, or are they indignant at even the suspicion that the powers that be can do wrong? For myself, though I am willing to repose all just confidence in the officers of our Government, I am not so blinded by my devotion as to be willing to fall down in the dust and kiss the foot that tramples on me. I am not prepared to surrender my rights at the footstool of ministerial or military power; neither am I willing to cry peace! peace! when I see the rights of others invaded.

The gentleman from Virginia has thought proper to congratulate me on my conversion to democracy, and to express his pleasure that my eyes have been opened. The gentleman would have done well to consider before this compliment, in what situation it placed him; for if I am advocating the principles of democracy, he is opposing them; and, if my eyes are open, his must be shut. I wish it to be understood that I am not advocating the speculative abstract rights of man, but good old Constitutional rights, such as have secured the civil liberty of England, from time immemorial, and such as will secure our own so long as we please to preserve them inviolate; and I shall not be deterred from my course, even by the charge of democracy—I mean here no disrespect to democracy, such as it ought to be understood, but only to that canting kind which promises much, and performs but little. In a country boasting less of democracy than our own, such conduct as we have witnessed, would have produced the most dangerous convulsions. Suppose that, in England, without any suspension of the habeas corpus, His Majesty's Secretary of State, upon his own warrant, had caused any British subject to be seized and dragged to the Tower, and there denied all intercourse with friends or counsel, and denied the privilege of habeas corpus; judging from the temper heretofore manifested, it would not be difficult to pronounce the consequence. The enraged passions of the multitude could be appeased with nothing but the restoration of rights thus unwarrantably suspended. It is alleged, as if in justification of General Wilkinson's conduct, that, twelve years ago, a member now of this House, from Pennsylvania, was arrested upon the charge of being concerned in the Western insurrection, and for three months denied the writ of habeas corpus. Without determining the degree of censure which ought to attach anywhere, I must remark that, if, in truth, he could not obtain the writ, his case affords a strong proof that the laws are defective, and ought to be remedied. Whether the motives of General Wilkinson be good or bad, it is not now necessary to inquire. I am not moving an inquiry into past events, in order to punish those who have been guilty of violating our laws. I am merely asking that we should inquire, whether laws ought to be enacted more effectually to punish or prevent them in future; and I urge it as the strongest reason for such an inquiry, that existing laws have been found, by experience, insufficient to prevent such abuses; and I contend that the punishment already provided, is by no means adequate to violations so gross, as those we have lately witnessed. But gentlemen contend that we do not know whether our privileges have been abused, until we hear General Wilkinson's justification. Sir, we are not indebted for our knowledge to whisper or rumor. There is no longer any room to doubt whether our Constitutional rights have been violated. We have received official information of the facts, and that information is recorded on our Journals. The Message of the President, of the 22d of January, informs us that two persons have been seized at New Orleans by General Wilkinson, and embarked for ports in the Atlantic States, and promises that, upon their arrival, they shall be delivered over to the custody of the law. General Wilkinson states that Mr. Bollman, one of the persons so seized, was required by the superior court, but that he got rid of that affair under the usual liability for damages. Another message informs us of their arrival here, and that measures are taken to hold them in custody. These facts warrant me in saying that, in defiance of the Constitution of the United States, persons have been seized by military authority; that they were demanded by the civil authority; that the military refused to deliver them up; and that they were transported under military guard, and by military authority alone, to this city; and that here the first steps were taken to put them into the custody of the law. Is it possible that we can shut our eyes upon these transactions, or reconcile it to ourselves to become the mere passive spectators of this violent usurpation of power? What excuse can any man render to his country for his supineness, in case of the commission of future violations? Can he plead his ignorance of what is officially communicated to him? Or can he say he was not warned of the dangerous consequences of these measures, or of the insufficiency of the laws to prevent them? The whole country know the fact, and deprecate the consequences, and they know also that we have received official information of them, and they look to us, as their Representatives, to use every means in our power to prevent the recurrence of them. Can any man be willing that his right to personal liberty shall depend on the will of an executive or military officer? If he can, he does not deserve to possess the right, and is well represented by those who refuse to protect it. But let me caution gentlemen that this is not the temper of the majority of the nation, and that they have not so far sunk into apathy, or forgotten their rights of personal liberty, as to support the power that openly violates them. Let gentlemen beware how far they rely on the confidence heretofore placed in them. Upon questions of policy in the administration of Government, the people, reposing confidence in those who govern, may not give themselves much trouble to think whether they are right or wrong; but when great Constitutional rights are invaded, opposition arises, not from matter of opinion only, but a national feeling inspired by a common sense of danger; and if such invasion is made by those in whom too much confidence has been placed, that opposition will be heightened by resentment and indignation. I wish gentlemen to be sensible of their great responsibility. If these measures had been pursued during the recess, with what anxious eyes would the nation have looked forward to the meeting of Congress. The Executive standing alone would, as they ought, have borne all the responsibility; but when all branches of Government are in the full exercise of their functions, and no inquiry is made, or notice taken of it, the people can hardly believe in the extent of this usurpation of power; because, to believe it, they must impeach the fidelity of their Representatives. The Constitutional check of one branch upon another, was intended to prevent the unlawful exercise of power by either; but if Representatives can content themselves with officially viewing the prostration of the Constitutional rights of the citizen at the nod of a military commander, and can see with indifference the highest Executive authority availing themselves of such means to procure what they term the end of justice, these intended checks not only cease to be salutary, but become dangerous, by affording only a false security. In speaking of probable cause of arrest, I confined my observations to the case of Mr. Alexander. I have seen no message informing us of the particulars of this case, but it is said that this gentleman, in his professional character, moved the court at New Orleans for a writ of habeas corpus, for one of the persons arrested by military orders; upon the refusal of the General to obey the writ, he either moved, or was about to move the court for an attachment against him, and was soon after arrested by order of the General, and transported to Fort McHenry, at Baltimore; from thence, he was brought to this city, and taken before a judge of the Territory of Columbia, where he was informed that there was no charge against him sufficient to warrant his arrest, and he was accordingly discharged.

I now put it to the candor of gentlemen to say whether in this case there was any probable cause of arrest, or whether the same outrage might not be practised upon any other citizen of the United States upon the same principle, by the commander of any fort or garrison; and I will ask, also, whether the General might not as well have sent him to California, or Nootka Sound? For he was not charged with any offence upon which he was liable to arrest. If we have Constitutional privileges, we must be always ready to protect them; and if the privileges now violated, are not worth protecting, where are we to make the stand? When we see a cancer even in the extremities of the body politic, we must apply the knife, or the caustic, or it will reach the vitals. There ought to be no temporising; for it will become the more inveterate and confirmed, the longer we delay. Without the most prompt attention to the preservation of our privileges, we may have the form, but we shall not long have the substance of a free Government; and of all Governments, I think that the worst, where the sound of liberty supplies the place of the reality, and a thousand petty tyrants take shelter under the cloak of republicanism. This resolution is opposed by a gentleman from Massachusetts (Mr. BIDWELL) on two grounds. First, that we must necessarily decide on the innocence or guilt of General Wilkinson. Second, that the laws are already sufficient. With respect to the first, I have already contended that the laws, providing only for future cases, will have no retroactive effect. I would be sorry to try General Wilkinson, or any other person, without suffering him to be heard; but we know from his own letters that the laws have been violated, we know that these violations seriously affect the dearest rights of the citizen, and we cannot deny that such violations ought to be guarded against by efficient laws. These facts then are sufficient to justify an inquiry, whether such efficient laws do exist; and as they are facts which no one will deny, it cannot injure General Wilkinson, or any other person, if we make laws to guard against the recurrence of them in future. It is said these men could not be tried at New Orleans; it is not material to involve in our discussion this question; for if they could not be tried they might have been imprisoned there, until they were transferred according to law to the place where a trial could be had; but it can never be justifiable in a military officer to seize and deport to any part of the United States, any citizen whom he might suspect of guilt. If it were admitted, an officer might carry a man from place to place until he found judges and juries disposed to convict—the Constitution to the contrary notwithstanding. General Wilkinson's zeal may have been sincere and his motives pure, and the pressure of circumstances such as to make him feel justifiable in his conduct; but, sir, we never can with safety entrust such unlimited discretion to any military officer; and such conduct, however innocent the motives, ought to be guarded against by the most severe laws. The second objection of the gentleman from Massachusetts is, that the laws are already sufficient. They surely have not been effectual to prevent the abuse of the privileges of habeas corpus. The writ was issued at New Orleans, and General Wilkinson in open court took upon himself the responsibility of refusing to obey it. The writ was issued at Charleston, and the officer refused to obey it, and the military continued in possession of their prisoner until they arrived at the place of their destination. The people of England never considered the writ of habeas corpus perfectly secure until it was strengthened by the statute of Charles. It seems generally agreed that provisions similar to that statute would be useful; but some gentlemen say that it extends to the United States; and the gentleman from Pennsylvania (Mr. Smilie) admits that if it does not extend, similar provisions ought to be made. Statutes declaratory of the common law are sometimes received in our courts; but I believe that it never was considered that penal statutes could extend without express Legislative provision. In Delaware, Pennsylvania, and New York, and perhaps other States, laws have been made to supply the provisions of the statute of Charles, and upon the principle that the statute did not extend. If these provisions are useful and there could be a doubt about the statute, the laws of the United States ought to provide; although the Constitution secures the privilege, and the laws authorize the judges to grant the writ, yet without penalties, the privilege is too liable to be abused. If an officer refuses obedience to the writ of habeas corpus, what remedy has the injured party? He must sue for false imprisonment, and if any prejudice exists against him, or in favor of the officer, he will only recover nominal damages. The gentleman from Virginia (Mr. Eppes) avows, that, if he was on the jury, he would give no damages, if he was convinced the officer acted with honest intentions; and we can well conceive such prejudice to exist against a man charged with a heinous offence, as would prevent him from recovering real damages; for the abhorrence of the crime is often transferred to the party accused.

When illegal conduct is committed under color of authority, the whole community is affected, and an atonement ought to be made to society as well as to the individual.

The remedy for false imprisonment should still exist; but the officer should be subject to a penalty not to be assessed at the discretion of the jury, but to be fixed by law. The officer should also, having abused his power, be forever disqualified from holding any place of profit, honor, or trust, under the United States. By this no man would be deprived of a trial by jury, because the penalty and disqualification should only attach upon being found guilty by a verdict of a jury. It is objected by the gentleman from Georgia (Mr Early) that this resolution was not brought forward in due time. To this I answer that the events that have given rise to it are of recent origin. The gentleman also objects that we should be obliged to call on the President for information. If he is afraid of such information, it surely furnishes some reason to suspect that there is something rotten. I do not charge the Executive with the conduct of General Wilkinson; the share of responsibility which may belong to that quarter depends on circumstances with which we are probably unacquainted and the course which they may hereafter pursue.

Mr. Jackson had hoped that the gentleman from Delaware would have contented himself with professing his regard for the rights of the citizen, and not troubled the House with the long speech which he had delivered on the occasion. Mr. J. said it gave him alarm to find such sympathy for men guilty of the most atrocious crimes. Treason in some countries may be an act of magnanimity, but here it is the worst of all crimes, because it aims at the destruction of the best Government and the happiest state of society in the world.

Mr. J. deprecated legislating from the impulse of the moment. It had proved the bane of that party under whose banners the gentleman from Delaware marshalled himself. If a man ventured to expose the conduct of the then existing Administration, he was to be gagged with the sedition law; if he failed in showing the due respect to the ruling powers, he was to be transported by the alien act.

Mr. J. conceived that the privileges of the writ of habeas corpus were amply secured by the Constitution, an authority paramount to any act of the Legislature. It was in his opinion so guarded as even to endanger the acquittal of criminals.

Mr. J. proceeded to observe that if any officer will violate the Constitution and take the responsibility, it is in vain to make laws in order to prevent it. But were there no circumstances to justify Wilkinson? He saw treason lurking on every side. There are cases in which necessity affords a complete palliation. The President's Message does not confirm the declaration of the gentleman from Delaware, that there were no grounds for a charge against Alexander. [Mr. J. here read Wilkinson's affidavit.] Does it not show that they are all linked together? Wilkinson believed, and no doubt justly, that these persons could not be safely imprisoned at New Orleans. When it appeared that the judges, at least one of them, was desirous not to oppose the treason, it would have been madness in the extreme to have left the traitors there, and especially when it was expected that Burr would soon arrive with a powerful force.

The relief for abuses of the writ of habeas corpus is in trial by jury. This is the best relief. But the violator is also liable to impeachment, and is amenable to the Government. The outrages spoken of have a remedy—the privilege of the writ is amply secured; if the Constitution has been broken, a law would also have been broken in the same circumstances. Mr. J. then concluded by announcing his determination to vote against the reference of the resolution.

Several members were rising to speak, when an adjournment was moved and carried—yeas 60.

Wednesday, February 18.

Mr. **Parke**, from the committee appointed, on the ninth instant, "to inquire whether any, and, if any, what, alterations ought to be made in the laws fixing the salaries of the Secretaries and Judges of the Indiana, Louisiana, and Michigan Territories," presented, according to order, a bill allowing an additional compensation to the Secretaries and Judges of the Territories of Indiana, Louisiana, and Michigan; which was read twice and committed to a Committee of the Whole on Friday next.

Mr. **Early**, from the Committee of Commerce and Manufactures, who were instructed by a resolution of the House, of the twentieth ultimo, "to inquire into the expediency of providing, by law, how far owners of ships shall be answerable for the acts of the master and mariner," made a report thereon; which was read and considered: Whereupon,

Resolved, That the further consideration of the resolution directing an inquiry "into the expediency of providing by law how far owners of ships shall be answerable for the acts of the master and mariner," be postponed *indefinitely*.

Mr. **Holmes**, from the Committee of Claims, presented a bill authorizing the settlement of accounts between the United States and William Eaton; which was read twice and committed to a Committee of the Whole to-morrow.

An engrossed resolution, in the form of a joint resolution of the two Houses, "to publish the report and chart of the survey of the coast of North Carolina," was read the third time and passed.

IMPORTATION OF SLAVES.

The House proceeded to consider their ninth amendment, disagreed to by the Senate, to the bill, entitled "An act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, in the year of our Lord 1808."

Mr. D. R. **Williams** moved that the House insist on their amendment. The bill without the amendment would provide that no negroes shall be transported from one State to another to be sold or held in service.

The motion of Mr. D. R. **Williams** was lost—ayes 11.

Mr. **Gregg** moved that the House recede from their amendment.

Mr. J. **Randolph** spoke at some length against receding. If the bill passed without the amendment, the Southern people would set the law at defiance. He would begin the example. He would go with his own slaves, and be at the expense of asserting the rights of slaveholders. The next step would be to forbid the slaveholder himself going from one State to another. This bill, without the amendment, was worse than the exaction of ship money. The proprietor of sacred and chartered rights is prevented the Constitutional use of his property. Mr. R. called for the yeas and nays.

Messrs. **Marion**, J. **Clay**, **Alston**, and **Early**, spoke against receding.

Mr. **Gregg** withdrew his motion, and the House reconsidered their vote on insisting, and determined to insist on their amendment. A committee of conference, composed of five members, was ordered to be appointed.

A message from the Senate informed the House that the Senate have agreed to the conference desired by this House, on the subject-matter of the amendment depending between the two Houses to the bill, entitled "An act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, in the year of our Lord 1808," and have appointed managers on their part.

WRIT OF HABEAS CORPUS

The House resumed the consideration of the motion of Mr. **Broom**, depending yesterday at the time of adjournment.

Mr. **Elliot**.—Mr. Speaker, I made several efforts, sir, during the discussion of yesterday, to become entitled to the privilege of addressing yourself and the House, upon the present question, in which I was unfortunately disappointed. Had I succeeded, my remarks would have been very concise, and I feel no disposition even now to render them tedious. I shall take occasion, however, at the outset, to declare that I experience none of that fastidious delicacy with which the minds of some gentlemen appear to be impressed, in relation to this motion. I have no ambition to be considered one of those "silky, ducking observants, who trim their duties nicely," on a question of this character, on a subject of this magnitude; nor do I discover that profound darkness which the gentleman from Georgia (Mr. **Early**) has described. I grope in no gloom. All is light and luminous around me. The path is plain. The way is clear, and environed with no difficulties.

Gentlemen have generally been disposed, and I think with propriety, to consider the subject in two points of view. First, to examine the merits of the proposed resolution upon general principles, abstracted from all connexion with events that have occurred, either recent or distant. Secondly, to consider the propriety of exercising the supreme legislative power, to preclude the recurrence of events which have sacrificed for a time "the holy attributes of the Constitution," to borrow the language of the great violator of the Constitution himself, at the shrine of military power.

Upon the first point, gentlemen who have expressed their sentiments, have been unanimous, or nearly so, in declaring that legal provisions of the kind now contemplated ought to be made, at a proper time, if those now existing are insufficient and inoperative. Those who have told us that the British statutes upon the subject of the writ of habeas corpus are in force in the United States, or even that it is doubtful whether they are so or not, need not have told us that they are not professional men; it was a work of supererogation. No professional man could for a moment entertain the idea that the statutes of Great Britain are laws of the United States. The question may be considered as undetermined, whether the common law of England, or any part it, which has not been expressly recognised by our Constitution and statutes, is law in the United States, considered in their federal character; it is at least well known that upon that question, a unanimous opinion does not exist in the first judicial tribunal of our country. For one, I do not believe that the United States, as the United States, possess any code of common law. I know of no laws of the Union but the Constitution and statutes. That Constitution and those statutes have recognised, or rather referred to certain portions of the common law, and particularly to certain technical common law terms and rules, as rules of practice in the federal courts; and beyond those the courts have common law powers. At all events we have not adopted any of the British statutes, and particularly, and by mere implication too, statutes highly penal in their operation. The doctrine is too absurd to be countenanced, upon serious reflection, by any man of common discernment. The Constitution has declared that "the privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of invasion or rebellion, the public safety shall require it." But neither the Constitution nor your laws have made it a positive duty of the courts to issue the writ in any particular case; still less have they secured the performance of that duty by any penal sanctions. Can it then be improper to provide means to coerce the courts and officers of the United States in this particular, and to leave to all the citizens, at all times and under all circumstances, such an invaluable Constitutional privilege? Very few will deny or doubt the propriety of the measure. But many will say that it is ill timed, and the question of time naturally introduces us to the second scene of discussion.

It is said that it is improper at the present period to agitate the question now under consideration. In my apprehension the objection is a very strange one. The Constitution has just been violated by the commander of your army; violated at the point of the bayonet, and in more than one or two of its most essential articles. In addition to the celebrated part of that instrument which prohibits the suspension of the habeas corpus, except by the supreme civil power, in crises of great national danger, several of those amendatory articles which peculiarly secure the rights of the citizen, and the adoption of which, on that account, were necessary to reconcile the majority of the people to the original Constitution itself, have been disregarded and derided by a military chieftain. I allude to the following articles, all of which have been violated in most of their essential provisions:

> "ART. 4. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.
>
> "ART. 5. No person shall be held to answer for a capital, or otherwise infamous crime, unless upon a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service, in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.
>
> "ART. 6. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel in his defence."

It is obvious that most of the privileges intended to be secured by these articles to our citizens have recently been denied to some of them, at the point of the bayonet, and under circumstances of peculiar violence. It may, indeed, be said that the privilege of the writ of *habeas corpus* was not denied in the first instance; that it could not be said to be suspended until the injured persons were placed in a situation which entitled them to demand it from the judicial power of their country. It is true that, notwithstanding *inter arma silent leges*, although the laws were silent amid the thunder of arms, and although a thousand terrors hovered around those who dared to exercise their professional duties in support of the Constitutional rights of the citizen, a writ of *habeas corpus* was claimed and obtained; and I had supposed that the very singular return which is said to have been made to the writ was placed on our official files. On searching them, however, I do not discover it; but it has been published in all the newspapers, and a copy of it is now before me, which I will read:

> "The undersigned, commanding the Army of the United States, takes on himself all responsibility for the arrest of Dr. Erick Bollman, on a charge of misprision of treason against the United States, and has

adopted measures for his safe delivery to the Executive of the United States. It was after several consultations with the Governor and two of the judges of this Territory that the undersigned has hazarded this step for the national safety, menaced to its base by a lawless band of traitors, associated under Aaron Burr, whose accomplices are extended from New York to this city. No man can hold in higher reverence the civil institutions of his country than the undersigned, and it is to maintain and perpetuate the holy attributes of the Constitution against the uplifted hand of violence that he has interposed the force of arms in a moment of extreme peril, to seize upon Bollman, as he will upon all others, without regard to standing or station, against whom satisfactory proofs may arise of a participation in the lawless combination.

"JAMES WILKINSON.

"Headquarters Army of the U. S.,
"*New Orleans.*"

Here is a return, not of obedience to the laws, and high reverence for civil institutions, but of disobedience and defiance. The Constitution is violated in order to preserve it inviolate! Prostrated in the dust by military power, for the purpose of maintaining and perpetuating its holy attributes. And what great national object was to be accomplished by such extraordinary measures? What necessity could exist of seizing one or two wandering conspirators, and transporting them fifteen hundred or two thousand miles from the Constitutional scene of inquisition and trial, to place them particularly under the eye of the National Government, when, if the opinion of the officer himself was correct, it would immediately become the duty of that Government to suffer them to go at large? In regard to one of them, the General was uncertain whether he had committed a major or a minor crime; and the other he explicitly pronounces, as we learn from our official documents, guilty of misprision of treason, at all events a bailable offence. He says, 'from the documents in my possession and the several communications, verbal as well as written, from the said Dr. Erick Bollman, on this subject, I feel no hesitation in declaring, under the solemn obligation of an oath, that he has committed misprision of treason against the United States." Surely it is desirable to provide against the recurrence of scenes of this description. Or shall it be admitted that the whim, the caprice, the passion, or the ambition of a martial chief, may supersede at will the most important checks and safeguards of the Constitution?

But on this occasion the tocsin of party is sounded, and around the banners of party we must rally, or subject ourselves to new denunciation. I am not the champion of democracy, of federalism, or of any man or set of men; but I am, what every member of this House is bound by his oath to be, the champion of the Constitution of my country—a Constitution unnecessarily assailed and rudely violated. While that proud edifice shall occupy its present situation, I will place myself before its walls, and face the foe, whether that foe shall be a Burr or any other military usurper; I will lean against its noble pillars, and, if it be destined to sink beneath the shock, perish amid the sublime ruin! On a question like the present, the minor interests of party should sleep. At any rate, it must be suspected that there is a snake in the grass—*latet anguis in herba*—a secret spirit of dissatisfaction with the administration of the National Government must be supposed to exist and to operate. Why so? Has the Government avowed its approbation of its military chief? For me, I acquit the Administration. The General has taken upon himself the responsibility attached to his conduct, and upon his shoulders let it rest. It is time, however, to be explicit upon this subject. I concede to the Administration integrity and general ability, but do not agree to the ascription to it of that infallibility and perfection, the belief of which constitutes, at the present moment, the criterion of exclusive republicanism. In truth, I have heard so much of the virtue, the patriotism, and the perfect wisdom of the present Administration, that I am not anxious to hear much more upon the subject. As I surround myself with no equivocations, as I envelop myself with no disguises, I openly and frankly declare that I am becoming a little sceptical. It may be as dangerous to wander in the wilds of political as in those of religious scepticism, but I must take the course pointed out by duty, and risk the consequences.

We must at least be suspected of being envious of the fame or hostile to the character of General Wilkinson. To that officer I have once stood in the relation in which a soldier stands to his General: in that situation I was his friend, and even his partisan; and I have always considered him as possessing considerable military merit. I will admit, also, that in the present instance he has acted without corruption, and has only been more rash and arbitrary in his conduct, than a man of more prudence and reflection would have been. But I think I have heard a hint that it may turn out he is entitled to a statue of gold. Let me forewarn gentlemen not to commit themselves in favor of such a proposition. Let them wait the course of events, and prepare themselves for disclosures, which, if I am not mistaken, will convince every one that such a measure would at least be extremely improper. Whatever rumors may have reached us this morning from the Western world, I should have held a very decided language upon this subject yesterday. If there is to be a golden statue in the case, I should prefer giving it to the gentleman from Delaware, who has drawn our attention to the present subject of discussion; as the agitator, however, of a subject, the agitation of which was extremely desirable, and, in my apprehension, indispensably necessary, he is undoubtedly sufficiently rewarded by the consciousness of having performed what he deemed his duty. Again and again I warn gentlemen to abandon the idea of a statue of gold. From the same quarter we are told that the *salus populi* may have required and may justify the *lex suprema* of military despotism. This doctrine is unknown to the Constitution. That sacred record of our rights proclaims itself and itself alone (and the people when they adopted it, ratified the decree) the *lex suprema*, the "supreme law of the land." It acknowledges no superior. It comtemplates no case in which the law of arms can erect a throne upon its ruins.

Again, we must be prepared for the insinuation that we countenance treason, and sympathize with traitors. It is surely wrong at this time to make our walls echo and re-echo, and the winds around us sing the charge of treason. *Sub judice lisces.* Let the courts decide. I have not seen "one jot or title" of evidence to prove the unfortunate persons now in confinement guilty of treason. Probably they may have been guilty of a misprision, or mere knowledge of a meditated treason; and at all events their conduct has been such as to require years of sincere repentance, to restore them to the confidence of society and their country. But upon general principles, without reference to any particular case, I hope that the resolution, which only contemplates the appointment of a committee, for the purpose of inquiry, will not, by any side-way operation, be defeated and destroyed.

Mr. SLOAN.—Like the gentleman from Vermont, who has just sat down, I had a great desire yesterday to express a few words on the motion before the House, but I was not able to get a chance to address the House at the time. I must now beg leave to detain the House some time longer than would have been necessary then, in consequence of the lengthy speech we have heard from the gentleman from Vermont. That gentleman has said he will not only protect the Constitution, but, if it must die, he is willing to perish in its ruins. The gentleman I expect alluded to ancient times, as he often does in his learned way, when he made that figure, I expect, to the case of Samson, who, after the loss of his sight, also perished in the ruins of the destruction which he had made.

I beg leave to ask whether this gentleman's sight does not also begin to be dimmed as Samson's was? He says he begins to doubt the wisdom of our present Administration, and the wise measures they pursue. I expect the sight of that gentleman is not only dim, but I'm afraid he will be soon perfectly blind.

Some time ago, the gentleman from Vermont exhibited a scene of prolificancy which was never before paralleled in this House. He brought forth nine resolutions at once, and prefaced them by a long speech like that we have heard to day, in which he attempted to expose to this House the danger in which we stood with foreign Powers. Those resolutions brought up to my mind the recollection of a fable, which I once read when I was young. It was in a book which I beg leave to recommend to the gentleman from Vermont, if he has never read it. The book I mean is Esop's Fables. There is the story of a conversation between a fox and a lioness. The fox boasted of her great prolificancy, and reproached the lioness for bringing only one at a time. The lioness replied, that she indeed bore but one at a time, but that one was a lion.

After making these observations, Mr. S. begged leave to consider the merits of the question. I consider it, said he, as highly improper at this time. Whether it would be proper at any future time, I don't pretend to say. It is likely that prosecutions will be commenced against General Wilkinson. And will not this House show as much candor as the editors of newspapers, who say nothing on criminals left for trial, lest there should be a bias made on the public mind? No person can candidly say that Gen. Wilkinson ought not to have deprived these men of liberty to prevent their treason, and the destruction they meant against these United States.

Why such sympathy for these persons? In what circumstances were they taken? Were they taken from their homes and their fire-sides and denied the habeas corpus for some months, as has been in former cases, which compared to this, were only as a drop to the bucket? These men were taken in the act of treason or misprision of treason, against these United States. We ought to wait till we know more of the matter before we decide.

Is any member so lost to humanity in this House as to reprobate the conduct of the Executive or of General Wilkinson in this matter? The former insurrections compared to this were more properly oppositions to Government, oppositions to obnoxious and unjust laws, which have been since repealed, and are now justly consigned to eternal infamy.

The matter rests solely on two plain questions. The first is, was the confinement of these persons necessary? And second, was the civil authority adequate to their safe-keeping? It is plain their confinement was necessary; and as to the second question, it appears, from the affidavits of General Wilkinson, that Ogden, one of the conspirators, was released by the habeas corpus, after being confined.

If a force of 6,000 men had come against New-Orleans, as the General expected, and he had not arrested and sent these persons away, and they had been released by Burr, after capturing the city, these persons whom we see on this floor to have so much sympathy would be the first to charge General Wilkinson with neglect of duty. I have no doubt but this would be the case.

I consider the conduct of General Wilkinson not only justifiable, but highly commendable; and I am astonished that any should withold the tribute so justly due. I would say: Well done thou good and faithful servant, thou hast deserved well of thy country.

Mr. J. RANDOLPH introduced his speech in favor of the resolution by observing, that he understood the question before the House to be, whether they would refer to a Committee of the Whole a motion proposing an inquiry whether further legal provision be not necessary to prevent violations of the writ of habeas corpus.

How long it had been the fashion to debate the merits of a subject on a simple motion to commit, it was not material to inquire. He believed it had commenced the present session.

Mr. R. supposed the object of the mover of the resolution in referring it to a Committee of the Whole was to obtain discussion. As that had already been had abundantly, and as the session would soon close, he suggested the propriety of varying the motion, and referring the resolution in the first instance to a select committee, who might immediately consider the subject and report a bill. Were the resolution to go to a Committee of the Whole, he feared it would never get through.

Mr. R. then observed that he would proceed to answer some objections which had been yesterday offered against the resolution, and state the reasons which induced him to support it, come from whence it may. The first objection which he heard was the quarter whence the resolution came. Permit me, said Mr. R., to remind the House that if those who have been called into public life on account of their professed attachment to correct principles, ever quit the ground of trial by jury, the liberty of the press, and the subordination of the military to the civil authority, they must expect that their enemies will perceive the desertion and avail themselves of the advantage. Can they who thus desert their old principles blame others for assuming the popular ground, which they have abandoned? Whoever stands forward in defence of the Constitution, and the rights of the people, shall have my support *quo ad hoc.*

An objection was taken by the gentleman from Georgia, Mr. (Early,) on the ground of time. It was said that this is an improper time to consider the subject contemplated by the resolution. Sir, this is no new discovery. The question of parliamentary reform has been thirty years agitated in England, and the right time has never arrived to consider the subject, and probably never will arrive. I also understood him to say——

[Here Mr. Early interrupted Mr. Randolph, and begged leave to explain. Mr. R. said he was confident that he understood the gentleman right. However, he at length sat down, and Mr. E. stated that his objection was that the House had not sufficient time this session to finish an investigation into the subject, and that therefore it had better not be atttempted.]

Mr. Randolph proceeded—I understood the gentleman perfectly before, and he would have found it so, if he had had patience to hear me out. He urged two objections on the ground of time: First that we had not sufficient time this session to consider the subject fully; and, secondly, that the present time was improper because the subject of habeas corpus was under consideration in the court below. [Mr. R. here either was or affected to be a little confused.] He was very sorry for the interruption. To prevent it in future, he would mention no gentleman by name, and he hoped he should not be again interrupted. A gentleman has said that the House have no official information before them relative to any violation of the privilege of the writ of habeas corpus. I will not refer to that gentleman by name, but the gentleman from Georgia (Mr. Early,) will enable me to tell who is referred to.

We have now on our tables official information from the President of the United States, that the privilege of the writ of habeas corpus has been denied and the Constitution violated. And will you attend to reports from your Committees of Claims, of Commerce and Manufactures, of Ways and Means, and leave the Constitution and the rights of the people to shift for themselves? There is abundant time. Congress can meet again after the fourth of March, and to postpone or delay a subject which affects the vitals of the State on account of a press of private or local business, would be a dereliction of our duty and of our oaths. Away then with such objections.

As to the objection that the subject of habeas corpus is now, *sub judice*, in the court below, no one thinks of a law which shall have a retroactive operation. I trust in God that no such *ex post facto* provision will be agreed to as was foisted into the bill which came from the Senate, to suspend the habeas corpus, and which was intended in a side way to cover with a mantle the most daring usurpation which ever did, will, or can happen, in this or any country. There was exactly as much right to shoot the persons in question as to do what has been done.

It has been contended that any measures on the part of this House will give a bias to the proceedings which have been instituted in the courts. Let me ask, what official notice we have of any such proceedings? But disdaining such a shelter, though it has been resorted to on the other side, it is sufficient to observe that a man has only to break the law or Constitution in the beginning of a session, and then forsooth you are to be foreclosed from legislating on the subject, because an instance has recently occurred to show the necessity of legislative provision.

Mr. R. said this was the first time in his life that he had heard it asserted that no law ought to be passed to punish any offence, because that offence had recently happened. He hoped he should never hear again such a reason delivered. The Romans, believing the crime impossible, had no law to punish parricide, till a case occurred, which proved their mistake. What would you think of Cato or Cicero rising in the Senate of Rome, and urging such a reason against a law for the punishment of this crime?

In the discussion of this simple motion to refer the resolution to a committee for inquiry, which I should have supposed would have been carried without any objection at all, hints of indemnity, I suppose to try the public pulse, have been thrown out. Permit me to say that bills of indemnity are not known to the Constitution. If the time ever arrives when the representatives of the people vote the public money to indemnify those who break the Constitution, we shall indeed become, *homines servile paratos*, and fit for any Government and for any state of society, however despotic or barbarous. If ever the minions of the Executive, or the Legislature, whether civil or military, are indemnified for their outrages out of the public Treasury, the Constitution must have arrived at its last crisis.

After ridiculing the application which Mr. Sloan had made of the fable of the fox and the lioness, Mr. R. proceeded to observe that the doctrines advanced in regard to Wilkinson's conduct, merited the most pointed reprobation, whenever heard on the floor of the House. The Constitution, which is fixed, like the laws of the Medes and Persians, and which fate cannot change, if this detestable doctrine is admissible, is at once frittered away to nothing. It ought to run in this way: The privilege of the writ of habeas corpus shall not be suspended, except, in cases of rebellion or actual invasion, the public safety shall require it, or, unless in the opinion of a military commander, it be necessary! What will be the difference, if you admit the doctrine, whether the Constitution be expressed in this way, or be left as it now stands?

It has been insinuated that certain gentlemen in this House lean too much towards standing armies, &c. Agreed. But in advocating an increase of the public force, my object was to chastise an insolent foe, not to employ it against our own citizens and to substitute it in lieu of the civil authority. My dread of standing armies has been more than a hundred times increased in consequence of the services to which our present little force has been put. From such armies good Lord deliver us!

I hope the committee to whom this subject may be referred will not forget to prevent a man from being embarked on board a shallop, and transported one thousand or two thousand miles for trial. For I have heard a law officer of the United States contend that a man may be arrested in one of the territories and a trial had in any part of the country, wheresoever he may be brought. If this abominable doctrine be supported by law, it is high time to correct it. The Constitution, in an article amendatory, declares that unusual punishments shall not be inflicted. Transportation, even after conviction, is an unusual, cruel, and severe punishment; but here it has been inflicted even before a conviction, and before any trial of the delinquents.

The court of Orleans has the same power as the district court of Kentucky, which is invested with the powers of a circuit court. If the district court of Kentucky has jurisdiction of treason, which no man ever doubted, it follows that the court of Orleans has the same authority.

When the Constitution gave to Congress exclusive jurisdiction over a district ten miles square, it filled the friends of liberty with alarm. But no man then dreamed that on this blot on the map, this nondescript region, a King's Bench was to be established for the trial of delinquents against the Government, collected from all parts of the country. The inhabitants of this miserable heath, men held in a state of bondage to which no man would submit, who have no voice in electing rulers of the country, are destitute of the right of self-government—these men are made the judges and jurors to try the freemen of America. Were I on trial, I would challenge the jury. They are not qualified for this office; they are not my peers. The people here must be the tools and expectants of ministerial favor. Let them move in their own humble sphere, but let them never dare to touch a charge of treason.

In the Declaration of Independence, transportation for trial is alleged as one of the grievances imposed by the British Government on the colonies. Now, it is done under the Constitution, and under a republican Administration, and men are transported without the color of law, nearly as far as across the Atlantic.

I make no profession of sympathy for the men who have been denounced as traitors. I argue on the supposition that they are traitors; there is no need of much exertion in behalf of good men. Attacks on the liberty of the people are, as has been stated before, made always in the persons of the vile and the worthless. But when precedent is once established in the case of bad men, who like pioneers go before to smooth the way, good men tremble for their safety.

Mr. R. observed that he would not say much of the Commander-in-chief. The least said, till they knew all, was the best. He had always thought that there were more rogues than one. This business of canonizing and sanctifying men before they are dead, he did not like. In the State of Virginia they had been compelled to change the names of several counties. There was a time in which the name of Arnold might have been preferred, and perhaps there may now be places in the United States which derive their names from Burr.

Mr. R. could not admit the jesuitical casuistry which had been displayed with regard to an oath. If a man breaks the Constitution, which they were all sworn to support, punish him. If the violator be Washington, Franklin, or Jefferson, Mr. R. would punish him, and he would also say, that no indemnity ought to be voted for him.

Mr. R. stated at some length the circumstances of the proclamation issued in England to prohibit the exportation of corn, when Chatham and Camden were in the Ministry, and who afterwards refused a bill of indemnity. Mr. R. observed that bills of indemnity were known to the English Constitution, and requisite in the case stated. But Chatham and Camden, though both the known and tried friends of liberty, here abandoned the popular ground, and rested their defence on arbitrary principles, while the wary Mansfield, an old tory and a high churchman, availed himself of the advantage, took up the cudgels for the people, and completely succeeded.

Mr. R. concluded by begging pardon for detaining the House so long, but he could never be indifferent on a subject like this. The House were now to decide if the Constitution were only pen, ink, and paper, and to be set aside at the whim of every military commander, or whether it were unalterable by fate, and if he who dared to violate it, should rue the consequences.

Mr. BROOM, according to the suggestion of Mr. RANDOLPH, varied the motion, and proposed to refer the resolution to a select committee.

[We have been thus far principally indebted to the report of the debate given in the *United States Gazette*, having been engaged in the Supreme Court.—EDITOR *National Intelligencer.*]

Mr. G. W. **Campbell** said, the first inquiry that naturally presents itself, in discussing this subject, is, what has occasioned the measure to be brought before the House at this time? This answer is given—the conduct of General Wilkinson, in arresting Bollman and others, at New Orleans, and transporting them to this place for trial, under military orders, in violation of the Constitution and laws of the Union. Suppose this to be the case, what remedy can the Legislature apply? Does the evil complained of arise from the want of laws to protect the liberty of the individuals and punish those who violate it, or from those laws not being duly obeyed? If the evil arises from a disobedience to existing laws, no act passed by this House can afford a remedy. Those entrusted with the execution of the laws may be stimulated to carry them into effect by this transaction, and to punish the aggressors, but it is no ground upon which this House can act, and no act that we could pass could, in any degree, affect the measures that have already taken place. The principal inquiry therefore appears to be, whether there is any law to punish the commission of such crimes as General Wilkinson is charged with? There can be no doubt on this subject; there are laws in every part of the Union to punish offences. If those persons were seized and carried away without legal authority, or a just cause that would excuse the act, it will be a false imprisonment, including in it an assault and battery—an offence punishable by law in every part of the United States. The offender may be indicted, and, on conviction, fined and imprisoned according to the nature of his offence. He may also be sued by the party injured, and damages recovered in proportion to the injury sustained. This is the remedy afforded by the law in such cases, and it has been considered sufficient to correct the evil. But it is said your Constitution has been violated, egregiously violated, by a disobedience to the writ of habeas corpus, or by depriving the party of its benefit; and this we are told by the gentleman from Vermont (Mr. **Elliot**) has violated the holy attributes of the Constitution; and he mentioned three several articles of that instrument that were violated at the point of the bayonet. This part of the subject, Mr. Speaker, may require some examination in order to be distinctly comprehended. Every public offence committed in this country, must be a violation of the Constitution, or of a law made in pursuance thereof, and may therefore be said to be a violation of the Constitution; and a violation of the Constitution is a violation of law, for the Constitution is declared to be the supreme law of the land. But certainly it will not be contended, by any man acquainted with the state of our country and laws, that every such violation calls for the interference of the Legislature, or requires a new law to be passed. If a law is violated, the aggressor is punishable under such law. If the Constitution be violated—it being the supreme law of the land, the offender is punishable accordingly in the courts of justice, who are sworn to support such Constitution. Such violations therefore cannot necessarily require the interference of the Legislature, or the passage of a new law on the subject. If acts are done highly injurious to society, against which there are no laws, and the perpetrators would on that account escape punishment, it would then indeed be necessary for the Legislature to provide by law for the punishment of such offenders; but it has not been shown that such is the case in this instance.

It has not been pretended, that General Wilkinson, if he has acted in the unwarrantable manner stated on this floor, cannot be punished according to the nature of his offence; and it has already been stated that he is liable, if guilty, to be punished by indictment, and be made to answer in damages by civil suit. With regard to the violation of the Constitution said to have been committed by General Wilkinson, in not obeying the writ of habeas corpus issued by the judge at Orleans, I may be permitted to observe that this part of the subject does not appear to have been well examined by those who have spoken in favor of this measure. The words of the Constitution on this subject are, art. 1. sec. 9: "The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it." This provision evidently relates to Congress, and was intended to prevent that body from suspending, by law, the writ of habeas corpus, except in the cases stated, and has no relation whatever to the act of an individual in refusing to obey the writ—such refusal or disobedience would not certainly suspend the privilege of that writ, and must be considered in the same point of view as the violation of any other public law made to protect the liberty of the citizen. In the present case, however, if there was a refusal to obey this writ, it was a violation of an act of Congress, establishing that part of Louisiana where this transaction took place into a Territory, which expressly declares that the inhabitants of the said Territory shall be entitled to the benefit of the writ of habeas corpus, and it is punishable as such; but it cannot be considered a breach of the Constitution in any other respect than the violation of any public law made in pursuance of that Constitution would be, and of course cannot require legislative interference. With regard to the other three articles of the Constitution, to wit: the 4th, 5th, and 6th amendments thereto, said to have been violated by the conduct of Wilkinson, a very brief examination will show that there are provisions by law in every part of the Union to enforce obedience to those parts of the Constitution and punish those who violate them. The first of these articles merely declares the right of the people to be secure in their persons, houses, &c. against unreasonable searches, seizures, &c.; and that no warrant shall issue, but upon probable cause, supported by oath or affirmation, &c. The first part of this only can relate to the present case, for it is not alleged that any warrant was issued; and every law existing in society for punishing offences against the persons and property of individuals, is calculated to enforce obedience to this provision. If a man is seized without legal authority or a just cause, cannot the offender be punished? He certainly can—and in what other way could you enforce obedience to this provision? The other two articles before mentioned can certainly have no bearing on the question before the House, they merely relate to the manner in which, and the place where offenders shall be tried—they are directory to the Legislature and to courts of justice; and it is not stated that either the one or the other have acted contrary to their provisions. No attempt to try these persons was made by General Wilkinson; he sent them to this place, they were delivered to the civil authority, and their case is now under legal adjudication. The courts of justice are the proper tribunals to decide, according to existing laws, where they are to be tried and in what manner. We are told, however, sir, it is necessary to make provision by law to enforce obedience to the writ of habeas corpus, and to punish those who may refuse to grant it. With regard to the latter case, there is not the least ground of complaint—the writ has not been refused in any instance when demanded. It was issued at New Orleans, and also at Charleston, and indeed it is not pretended the civil authority have on any occasion violated this writ. It has, on the contrary, yielded the most prompt obedience to it in every instance.

If it was made to appear to me that there were not provisions, by existing laws, to enforce obedience to the writ of habeas corpus, and to punish the violations of it, I would be among the first to make such provisions. But this has not been shown, and cannot, I presume, be proved to be the case. In every State, and in every Territory, as far as we are informed, there are laws to enforce obedience to this writ, and to regulate the mode in which it shall be obtained and prosecuted; and, by the thirty-fourth section of the act to establish the judicial courts of the United States, it is declared, that "the laws of the several States, except 'when the Constitution, treaties, or statutes of the 'United States shall otherwise require or provide, 'shall be regarded as rules of decision in trials at 'common law in the courts of the United States, 'in all cases where they apply." This provision must relate to criminal as well as to civil cases. You have, therefore, the same provisions at least, to enforce obedience to the writ of habeas corpus in the courts of the United States, that there are in the respective State courts; and it has not been shown that these provisions are defective in the State courts. Gentlemen have not pointed out an instance in which this writ can be violated with impunity. In every case that can be stated, the aggressor may be punished under existing laws; and that is the only mode in which you can enforce obedience to this writ, or to any law. You cannot prevent, absolutely, the commission of a crime; you can only punish the offender, and thereby discourage others from committing similar offences. You cannot prevent a man, while at liberty, from exercising his physical strength; and you can no more prevent him, by law, from violating the writ of habeas corpus, than you can prevent one man from striking another, or from seizing him, and carrying him away by force. All you can do, in either case, is to declare the punishment that shall be inflicted on such offenders. It has been stated by one gentleman, (Mr. ELLIOT,) as doubtful or unsettled, whether the common law of England is the common law of the United States, and as such, binding on the courts of the United States; and if it were not, it was insisted, we ought to make provision by law to supply its place, in regard to the measure before the House. On this subject, Mr. Speaker, I entertain no serious doubt. I am clearly of opinion that the United States, as a nation, have not adopted, nor are bound by the common law of England, and that, as a common law of the Union, it can have no force in their courts of justice. But, it is equally clear that the several States, or at least most of them, have adopted the common law of England, either in whole or in part, as the law of those States, respectively—under such restrictions as the change of Government in those States seemed to require—and being in this way incorporated into the laws of the individual States, and becoming a part of them, it becomes, under the act of Congress already mentioned, a rule of decision in the courts of the United States, in the extent to which it has been adopted in each State, respectively, wherein the courts may be holden, and under the restrictions contained in the said act. It is, therefore, in force in the courts of the United States, as being the law of the individual State in which they sit, and not as being the common law of the Union. They can derive no jurisdiction from the common law, any more than they can from the statute law of an individual State; and it may be laid down as clear law, that they can have jurisdiction in no case, except where it is expressly or necessarily given to them by the Constitution or statutes of the United States. But, when jurisdiction is so given to these courts, in a particular case, the laws of the State wherein the court sits will be the rule of decision in such case, as far as they apply. So, in the case before the House, the courts and judges of the United States are authorized by act of Congress to issue the writ of habeas corpus, and, having thus acquired jurisdiction, the laws of the respective States will be regarded as the rule of decision, and govern the proceedings on this subject, and they will be found sufficient to enforce obedience to the writ. Mr. C. was, therefore, opposed to the resolution before the House, and he considered an inquiry into the measure at this time unnecessary and useless, and calculated to waste the time of the House when there was important business that demanded their attention. I regret, said Mr. C., as much as any gentleman who has spoken before me, that party spirit has been introduced, and party feelings excited on this subject. But, at the same time, I confess I cannot observe the quarter from which this resolution comes, without entertaining some jealousy with regard to the objects gentlemen have in view. How long has it been since those gentlemen to my right, (the Federalists,) became the advocates for the rights of the people, and for

Constitutional privileges—so sensibly alive to every encroachment on personal liberty and security? How long since they have ceased to consider it necessary to guard the people against themselves, as their greatest, their worst enemies? There was a time, Mr. Speaker, when, as has been stated, a sedition law passed with the full approbation of those gentlemen, or their predecessors in politics—when an alien law passed in like manner. The general sense of the nation declared those acts flagrant violations of the Constitution, and of the rights of the people; yet, no sensibility was then excited in the minds of those gentlemen, for the violated rights of the citizen, or the daring infractions of the Constitution. All those tender feelings are reserved for this precious moment. When the peace of the Union appears to be in some degree threatened by treason and conspiracy; when the traitors are apprehended and brought to justice; when the vigilance of the Government is likely to crush the treasonable conspiracy in its infancy, and restore peace and tranquility to the nation—then, this extraordinary sensibility is excited, and publicly expressed. And for whom, sir? For those who had conspired to stab the very vitals of your Constitution—to sever the Union, and to overturn your Government! Are these objects of more than ordinary compassion, that call for extraordinary exertions of the Legislature to preserve, untainted and unsullied, their precious persons and characters? I presume not, sir; and I apprehend the nation will frown indignantly on an attempt to palliate their crimes by endeavoring to excite the public sensibility in their favor. I am always unwilling, Mr. Speaker, to attribute the conduuct of gentlemen to improper motives, when it can be otherwise accounted for. But, how can we account for the apparent change in the professions and declarations of gentlemen? those who imposed, and endeavored to continue on the people, burdensome internal taxes; who wished to raise and support navies and armies, in time of peace, to awe the citizens into submission; who passed sedition and alien laws to aid their general plan of strengthening the hands of Government, at the expense and destruction of individual rights? These very gentlemen, Mr. Speaker, appear now desirous of announcing aloud to the people, that they are the only advocates of their rights and liberties; that they are alive to the least violation of them; and that to them they ought to look for protection. But, sir, the people of America are too well informed to be deceived by such flimsy pretences. They will see, and duly appreciate the causes of this sensibility, so feelingly expressed, and the extraordinary exertions to alarm the public mind on this occasion. They will see, sir, that whatever the motives of gentlemen may be, the evident consequences of the proposed measure, if carried into effect, as contended for by its friends, would be, to make an impression on the public mind favorable to traitors and conspirators, who had combined to sap the very foundations of your Government, and to cast an odium on the conduct of those who exerted themselves to arrest their progress. I am unwilling, sir, to do this. I consider it our duty to let the laws operate on this subject, without receiving any bias from the decision of this House. From the manner in which this subject has been discussed, it would appear to an observer, that, at one time, we were trying General Wilkinson for the crimes with which he is charged, and that at another, we were examining the charges against the prisoners, whose case is now under legal adjudication before the Supreme Court. The gentleman from Vermont (Mr. Elliot) has told us he has not discovered a tittle of evidence to show that the persons have committed treason, and that their crime, at most, can only be misprision of treason. Although we are given to understand that that gentleman is a professional character, I must beg leave to differ with him on this subject. If treason has been committed by the author of this conspiracy, those persons, if guilty of any crime, must be guilty of treason, and not of misprision of treason only. They aided and abetted in carrying into effect the project. They carried and delivered a letter, knowing its contents, from the principal conspirator to General Wilkinson, for the purpose of engaging him to join in this undertaking. They used their influence to corrupt him. These must be considered overt acts, giving aid and comfort to the enemies of the nation, and will make them principals in the treason, if such a crime has been committed; for, in this crime, there can be no accessories—all who are concerned are principals. Misprision of treason is a distinct and separate offence. It is merely the neglect, or omission to make known to the proper authority the treason that has come to the knowledge of the party. It supposes that no act has been done by the party charged; that he has given no aid or assistance whatever to the enemies of the country, but has merely acted wrong, mistaken his duty (which is the meaning of the term) in not discovering, in due time, the acts of treason that have come to his knowledge, and is, on that account, considered guilty of a high misdemeanor. It was not, however, my wish, or intention to give any opinion on the merits of this case. I am willing to leave it to the decision of the Constitutional tribunals. But, gentlemen seem as if they were determined to discuss the guilt or innocence both of General Wilkinson and the prisoners. This, I consider altogether improper, as it might give an undue bias to the public mind on this subject. For this reason also, sir, I am opposed to referring the resolution to a select committee. There is another reason, Mr. Speaker, that operates with me to oppose the present measure, and that is, that by passing general laws on such subjects as that before the House, you would encroach on the State authorities. Each State is competent, it is presumed, to pass laws for the protection of the rights and liberties of its citizens; for the regulation of its own internal and domestic concerns—and in this consists the independence of the respective States. The means of obtaining the benefit of the writ of habeas corpus, and the mode of prosecuting the same, are evidently domestic regulations, essential to every free government, and constitute an important part of the laws of the several States—and the right to the privilege of this writ is secured to the citizen by the Constitution of every State in the Union. This will not be denied; nor will it be pretended that the States have not laws to enforce obedience to this writ. If, therefore, you pass a law on this subject, it will, if it has any effect, control the laws of the several States; and, in proportion as it has this effect, it weakens the respective State authorities, and tends to consolidate their powers in the General Government. I would warn gentlemen against adopting a measure that would have this effect. The State sovereignties ought to be preserved inviolate, and should not be encroached upon by this House legislating on subjects that properly belong to the State authorities. The gentleman from Vermont (Mr. ELLIOT) has informed us that he is the champion of the Constitution. Mr. C. said he did not wish to assume to himself exclusively such a character. It was, however, to be hoped the Constitution would have many supporters, as zealous and as able as the gentleman from Vermont. He should be always willing to support the Constitution and laws of his country, as far as it was in his power, when the occasion required it, and he presumed every man in that House was bound, on oath, to preserve that instrument inviolate. He never would, however, sound the tocsin of alarm with regard to the violation of the Constitution upon every infraction of law that might take place. This could have no other effect than to disturb the public mind unnecessarily, and might, in the present instance, make an impression unfavorable to some of those concerned in the transaction which occasioned this discussion. There are other reasons, also, said Mr. C., that operate with me to opppose the measure before the House. The case is, at this moment, *sub judice*. This is, to my mind, a serious objection to acting on it here. We ought to permit the laws to take their due course, without expressing any opinion on the subject in this House. We shall probably find they are sufficient to afford a complete remedy in every case where real injury has been sustained. It is, also, now near the close of the session. There are many other important subjects before the House, that require to be acted upon, and it would be next to impossible that this subject, if gone into, could receive that deliberate investigation which its importance would demand. For these reasons, and because I consider the measure, at this time, unnecessary and useless, I shall vote against referring the resolution to a select committee.

Mr. HOLLAND.—It is said by gentlemen, that, by the conduct of General Wilkinson in sending Bollman and others from Orleans to this city, there is a flagrant violation of the Constitution, and a crime committed that should be punished as a felony, and the purpose of making an offence of this kind a felony is the object of the present motion. That these persons may have been deprived of certain rights secured by the Constitution is a possible and probable case; for every illegal deprivation of right secured by law under the Constitution may be said with equal propriety to be a violation of the Constitution. But, sir, so far as respects the habeas corpus, the suspension of it applies to the Legislature, and not to persons. The Constitution says it shall not be suspended but in case of rebellion, or when the public safety requires it. This prohibition manifestly applies to the Legislature, and not to persons in their individual capacity. If, therefore, the Legislature suspend the habeas corpus when there is no rebellion, or when the public safety does not require it, they would be guilty of a violation of it. But how has General Wilkinson violated it? He has no power to issue or detain the writ. The issuing of the writ of habeas corpus is the duty of your judges, and they have in all cases issued the writ. It was issued in the present case at Orleans; and issued at this place in behalf of these men. Your judges have at all times in this particular been ready to do their duty. And if so, where is the necessity of coercing them, as proposed, by fines and penalties? Sir, the necessity does not exist. If General Wilkinson has disobeyed this mandatory writ, he stands in contempt, and your judicial courts have already power to punish contempts. If he has violated any law, he is liable to be punished. If he has deprived any persons of their rights secured by the Constitution or by the law, he has done it upon his own responsibility. The laws are ample and will give redress for every injury. Let these persons bring their actions, and if it should appear that they are innocent, and that the General has wantonly deprived them of their rights, an honest jury will give exemplary damages; but if on trial it should appear that they were guilty persons, and that the public safety required their being transmitted to this place, they will not, they ought not, recover a single cent.

But how does it happen that so high a sensibility is excited on the present occasion? Is there a single gentleman that doubts of the guilt of these persons? As to the amount of their guilt there may be some difference of opinion; but I will venture to say that no one believes they are innocent. I am apprized, however, that as the offence is of a political nature, a great difference may exist as to the criminality of their conduct. All will admit that they have conspired against this Government. But as a great diversity of opinion ever has and always will be entertained as to what kind of Government should be established for the good of the human race, according to the preference in the mind of each individual to any particular form of Government, the crime will be apportioned. Many well informed honest men have been in favor of a monarchy. Others of an aristocracy. Some for a democracy, or a republic founded upon democratical principles. It, therefore, follows that if there are any gentlemen in this House who think a monarchy the best, and that this Government is not worth preserving, that it is good for nothing, they cannot view an attempt to overturn it as a high offence. No, sir, they cannot; although as honest men, and men of honor, they could not partake in a conspiracy, yet as the means, however dishonorable, might produce a good end, that of establishing a Government better calculated for the general happiness of mankind, they would be ready to excuse. But, sir, all those who believe this the best of Governments, will consider an attempt to overturn it as the highest offence. It is said by the gentleman from Virginia (Mr. Randolph) that it is no odds to him from what quarter a proposition is made; that if it is just he will support it. It is so with me, sir; but if it comes from a quarter not in the habit of making propositions of that kind, I will take the liberty of examining whether it is solid, or only a plausible pretext to effect a different object. When I see so strong a desire, or seeming anxiety, exhibited for the protection and security of the rights of the citizen against the encroachment of governmental power, as in the present case, among gentlemen of a certain political description, my mind is led back to past periods, to times when the alien and sedition law were the order of the day. It was then that the Government itself, being administered by persons of this description, adopted a course well calculated to make it strong and energetic. But now, sir, the Administration being transferred into other hands, they have become the exclusive guardians of the rights of the citizen. Conduct of this kind may lead us to suspect that what they could not effect when clothed with power, may be now effected by artifice. Be this as it may, there has been no cause shown to justify the adoption of the resolution. The case referred to does not justify it. Bollman and Swartwout are not innocent men. Were it demonstrated that they were innocent, and had suffered without a possibility of redress, it might then be proper to adopt measures to prevent future aggressions. But as this has not been shown, and, so far as we know anything respecting them, they are culprits, whether they have committed treason or a lesser offence, they are guilty of crimes, they are conspirators, and it is unusual for Legislative bodies to legislate in favor of offenders.

It is strange that there is so great a difference of opinion on this occasion. The gentleman from Delaware thinks there was no danger, no rebellion, no crime, and no necessity of transmitting these persons from New Orleans to this city. General Wilkinson, who was on the spot, thought differently; and from the same evidence officially communicated, on which the gentleman has formed his opinion, the judicial authority of this territory formed a different opinion. On this evidence, the judges committed Bollman and Swartwout for treason; and on the same evidence the Senate suspended the writ of habeas corpus, by which they have announced to us and to the world that these persons and their confederates have forfeited their right to this writ. But the gentlemen who advocate this motion declare they have not forfeited it; but that it should be better secured to them by law. But, sir, I am for a different course. I wish not to touch the subject. We are not prepared to say whether the conduct of your commander has been proper, or what is the guilt of these men. They are now, where they ought to be, in the hands of the judicial authority. Under this impression, I was opposed to the suspension of the habeas corpus, and under the same impression, I shall be against the present resolution.

Mr. Alston said he did not rise to enter into the merits of the question, which had been yesterday under consideration; but merely to state the reasons which had induced him to change his vote on this occasion. He said he considered the question at present presented to the House, as more objectionable than that first submitted. What was the object avowed by gentlemen as the cause of this discussion? Was it to punish those who had violated the laws of the country? No. This was not the object. The object must then be to have an improper influence on the things that had already happened, and with regard to which the existing laws might be construed differently from what they would be, if the Legislature did not interpose. Why had gentlemen laid still for these fifteen years past, and omitted to make the discovery that there was no law in existence to punish any man who may disobey the writ of habeas corpus? Why have gentlemen on former occasions suffered individuals to lie in jail for weeks after that writ had been issued? If the laws at present in existence do not now operate, can anything which we can do make them operate on those now arrested, or on those who hereafter may be arrested? Gentlemen on this subject may know better than I do, for I believe this conspiracy has spread much wider than is known to this House, or than gentlemen are willing to acknowledge. I am authorized to express this opinion from the documents on our table.

This proposition is brought forward in a most imposing shape, and it is undoubtedly one to which no one would object, if brought forward at a proper time, if there were not questions depending on which it is calculated to operate, and if there existed the least probability of anything final being done upon it, before the close of the session. The inquiry is proposed to be made by a select committee; the mover of the resolution will of course, according to the mode of proceeding in the House, be chairman of that committee, and the report will in all probability be made at too late a period of the session, to admit of a full discussion, and an effect be produced by the report very different from that which would result from a full investigation of it. May not its effect be, to cover a decision which the gentleman knows is about to be made? To make it appear that those who make that decision have the voice of the people with them? The first course proposed, of submitting this proposition to a Committee of the Whole, had a tendency to produce an immediate investigation of the subject; an agreement to the present course will have the contrary effect, of delaying it. This proposition really presents a strange appearance. Gentlemen, heretofore the vehement advocates of energetic measures, are now converted into their opponents. This, however, is not strange to an accurate observer of human nature; opposition is opposition still, and let it come from what quarter it may, the general clamor is a regard to the liberty and rights of the citizen. But surely this of all species of protection is the strangest! The protection of men engaged in violating the rights, the liberties, and Constitution of their country! Any judge, says the gentleman, who shall dare to refuse to grant the writ of habeas corpus, or officer who shall refuse to obey it, shall be mulcted in heavy damages. What does this amount to? If any person shall even see treason committed before his face, or Aaron Burr marching at the head of the marine corps, he shall not dare to arrest them; but shall, in the first instance go before a judge, or render himself liable to be mulcted in heavy damages. Mr. ALSTON concluded by observing that the question had been amply discussed, and that he had only risen to give his reasons for considering the direction at present proposed to be given to the subject more improper than that at first suggested.

Mr. J. RANDOLPH said it was far from his intention again to trouble the House on this subject; but the omission of some ideas which he meant before to have offered, and some doctrines which had been advocated by the opponents of the resolution, compelled him once more to address the House. Where are we? said Mr. R. Are we in the Congress of the United States? Is this the House of Representatives of this Union, and are we to hear on this floor the doctrine advocated that a flagrant violation of the Constitution is to be remedied by an action of damages as in a common assault and battery? Is it possible that such can be the idea of this House; such our respect for the Constitution, for the institutions we are all sworn to support, and which, if we do not support, whether our treason be committed under the banners of Aaron Burr, or under the cover of law, we are equally traitors! Is this House ready to sanction the doctrine that an open and avowed contempt of the civil by the military authority, shall be considered as nothing more than a common violation of law? A refusal to respect the writ of habeas corpus by a civil officer, is a high misdemeanor. Much more is it a misdemeanor, when committed by a military man, and more especially if committed by the commander-in-chief of an army. With regard to plots and plotters, conspiracies and conspirators, I am not their friend. If they exist, I would deal with them according to law, I would give them sheer law; they should have no more at my hands. Do gentlemen, however, pretend to say that you can proceed against a man otherwise than according to law? I stand here as the advocate of the law. Laying aside the question of guilt, I say proceed according to law. If you do not do this, you may first incarcerate a man, and afterwards summon a *venire* to try whether the act is justifiable. It is said dead men tell no tales. I will put a case. I will suppose Aaron Burr a conspirator against the United States; a traitor. Let him die. If so, I would hear the sentence pronounced with pleasure.

But suppose another thing—suppose a conspiracy has been going on for several years; suppose a person has been for several years concerned in it, and to cover himself from suspicion he outherods Herod, and because his weak nerves cannot endure the sight of a traitor stabs him. Is this to be justified? It is well known that a conspiracy to separate Kentucky from the Union is no new thing, and no zeal which any man concerned in it may now manifest can throw off suspicion from his shoulders. These are the plain facts.

I will put another case. If a man charged with a crime committed in a territory can be carried to a territory two thousand miles distant by a military guard and there tried, what is the situation, Mr. Speaker, in which you stand? You yourself may be arrested; for you are in a territory, and the little remnant of the army here may be charged to carry you to New Orleans. Your privilege will not extend to felony or to a breach of the peace.

I will put another case. A member of this House may be carried to the marine barracks. You may issue your writ, and your Sergeant-at-Arms make return that the member is carried to Orleans; and as accidents will happen, he may be knocked over by the boom, and there is an end of him. Will you sit down contented with such a doctrine, that the civil authority shall be put at defiance by the military, and the citizen shipped off to New Orleans, there to be tried by a dependant tribunal?

I avoid saying anything as to plots. I have no doubt, however, of this plot, and I have no doubt of the existence of a plot also in 1788, and down to the year 1795. But in what way has every free people become slaves? The common recipe is—take a *quantum sufficit* of plots and of military force, always kept ready for the purpose, and the end is accomplished; and I say this must, if you give sanction to such acts, be the death of your Government. Has any revolution taken place in the affairs of France, which was not preceded by a plot? Are we sure that time and chance, which happen to all men and all nations, may not happen to us?

One word on the subject of the quarter from which this motion comes.

An attempt is made to sound the tocsin, and to discipline the House under the banners of party, on a Constitutronal question. Where the violation of the Constitution is not pretended to be denied, it is expected that the House is to be rallied under the banners of party. The gentleman who brings forward this proposition is charged with the sentiments he entertained some years since; but it is the misfortune of this argument that it cuts two ways; if you resort to the sedition law, the alien law, and other acts of those days, you have no right to refuse gentlemen now the benefit of their principles. The people of this country, after two or three juggles of this kind, will be apt to conclude that federalism or republicanism depends on being in or out of the Government; that those who are in are good federalists, and those out republicans; they will find this out, if they do not suspect it already. A few such instances, and the scales will fall from their eyes. You quote the most detestable instances of a violation of a law which have taken place in time past—no, this is the most detestable of all—and yet you gravely tell the people that you will not listen to men who advocate rights thus infracted. The people of the United States will eventually listen to them, if you pursue this course; and it is because I do not wish them to listen to them, that I do not wish to see them foremost in such a cause as this. It is a disgrace to the old republican party, if indeed it is yet in existence, that the writ of habeas corpus should find its first defenders in that quarter. There is on this subject one melancholy fact, and that is—that in 1797 the federalists were in a majority; in 1807 the republicans are in a majority—has the generation of 1798 passed away? No; the same people that were in 1798 federalists are in 1807 republicans, and that is the clue to the thing; all those who swim with the tide come over to the stronger side.

We are told by some gentlemen, that they do not pretend to set themselves up as the exclusive champions of the Constitution or the laws. I am glad of it; for God help the Constitution and the laws, if they depended upon them.

In my mind it is high time to make a provision for a complete *casus omissus* of power delegated by the Constitution. You have found members this session voting to make a violation of a provision of the slave bill death, on the broad principle of natural right; and yet would you do less for a violation of the liberty of your citizens, when you are bound to protect them, not only by natural right but by conventional institutions and your oath? If a military man should take, I will not say a member of this House—but any one of the miserable citizens who inhabit this place—and escort him under military guard to New Orleans—I say the military man who would do such a thing ought to be precipitated from the top of the Capitol. I would teach the military that they are to be subordinate to the civil power, and that if they undertake to violate the civil institutions of their country, they should pay the penalty of their lives. If you do not guard the people from such an excess of military power the time will come when you will be kicked out of doors at the point of the bayonet. We have seen the Legislature of a nation as enlightened as ours, treated in this way. There is one institution on which I fear we have placed too great a reliance. I have been always attached to the press, and desired to see it free and unfettered; and I have gone uniformly with those who supported this opinion, even in the time of alien and sedition bills, and not merely in a period of sunshine. Experience has proved to us that the press in the hands of a tyrant may become one of the firmest supports of his authority; and if there shall be a collision between the press and the bayonet, it needs no prophetic spirit to say which will kick the beam.

Mr. M. **Williams** said, he would state one or two reasons why he should vote for committing the resolution. As he understood the subject, the only consideration at present was, whether it was necessary to make an inquiry into the expediency of amending the laws on this subject. It had been endeavored to make this a party question; he considered it of no importance from what quarter a proposition came. If he thought it right, he should vote for it. The gentleman from Tennessee has observed that the Constitution has made an ample provision on this subject. It appeared to him that the Constitution had only secured the writ of habeas corpus; no penalty had been attached to its violation, and hence the necessity of some legislative provision to answer this purpose. The same gentleman has observed, that there is no necessity for legislative provision, as the statute book is already crowded with cases; but, Mr. W. said, he believed there was no legislative provision for the violation of the writ under the authority of the United States. It had been also said, that a provision under the Government of the United States would abridge the rights of the States; but, Mr. W. said, he could not see how this remark applied. He did not wish for any abridgement of those rights. The States undoubtedly had a right to pass laws relative to the execution of the writ within their jurisdiction, and Congress had a concurrent power to regulate it under the jurisdiction of the United States. Mr. W. said, in his mind many arguments had been urged which were irrelevant; such as the conduct of the commandant at New Orleans, and of the persons brought before the court. It had been said, that this was an improper time to bring the case before the Legislature; but, gentlemen would find, that new cases had very frequently given rise to new laws; and the present case clearly showed the necessity of some new provisions. Whether the persons implicated on this conspiracy had committed treason or not, was not the inquiry; the only question was, whether any further legislative provision was necessary to secure the writ of habeas corpus. He would ask, whether in this instance the Constitution had not been violated by the interposition of the military authority? Whether the persons arrested were guilty or not, was not for the House to say. Mr. W. said, he did not think that the reference of this resolution would have any influence on the court; as an inquiry by the House would impose censure neither one way nor the other.

Mr. G. W. **Campbell** said he was sorry it was incumbent on him to say, that if the remarks which had fallen from him had been alluded to, he had been either egregiously misunderstood, or wilfully misrepresented. He had not introduced the measures of a former Administration as a cloak for this House; what he had said could not have made such an impression on the mind of any man; he had not said that the passage of the alien and sedition, laws at a former day, authorized the present Legislature to violate the Constitution. He had stated that circumstance as one of the reasons which induced him to be jealous of the quarter from which this measure emanated. He was still of the same opinion; he must be jealous of the gentlemen who, notwithstanding their lively patriotism at the present day, had thus slept on their oars for fifteen years past.

We have been told that plots are taken advantage of to destroy the liberties of free nations. This, however, was the old story, very tickling to be sure to the public ear; but a mere pretext, a kind of declamation which had become a very fashionable substitute for argument. It had also been said, by the gentleman on his right, that he felt very happy that certain persons were not the champions of the Constitution or the laws. Mr. C. said, he had observed that he did not profess to be the exclusive champion of the Constitution and the laws; it was true that he did not wish to be thought such; but he trusted in God that the Constitution did not depend on the effervescence of an enthusiastic imagination, discharging without argument its ebullitions in such a style as was often heard in that House, or on gentlemen whose remarks on one day are in opposition to those delivered by them on another, and whose speeches delivered on different days answer themselves; he had before said, and said again, that he should be always ready to support the Constitution and laws of his country; but that under this pretext he should never come forward as the champion of the Constitution and laws merely to declaim and make a noise.

It had been said, that such an extraordinary case as the present required extraordinary interference; but he would ask where any deficiency of legislative provision had been shown to exist on this subject? Suppose a man entered this House and killed a member; he would be punished as in common cases. So in the present instance, if the military trampled on the civil power, the courts of justice were open for redress. But it is said we should punish this offence with death; this was an instance of the extravagance of which he had spoken. If every infraction of the Constitution and laws was made a capital offence, they would be carried back into that state of barbarity which existed three hundred years ago, when life was the uniform penalty attached to every offence. He had thought that the American nation had established a humane system of punishments, founded on the principles of philanthropy. If these principles are to be now abandoned, we may retrace our steps into the dark ages of barbarity, when sanguinary punishments were made use of to keep nations in submission to their tyrants. Mr. C. said, he should vote decidedly against referring this proposition to a select committee at this time; because he saw no good purpose that such a reference could answer; because he did not believe that any alteration in the laws was necessary, and if necessary the remainder of the session was insufficient to make it. The laws of the several States had made complete provision for securing the writ of habeas corpus in all instances, in which no defects had been pointed out that he had ever heard of.

Mr. Masters opposed the resolution. He could not conceive how a refusal to obey a writ could be considered a violation of the Constitution. Why, said he, this extraordinary zeal for those people's rights who want to destroy your own rights? Have no other people any rights?

Several gentlemen were rising to speak when an adjournment was called for, and carried.

Tuesday, February 19.

Mr. J. Clay, from the committee appointed on the sixteenth instant, presented a bill to explain the act, entitled "An act for fixing the rank and pay of the commanding officer of the Corps of Marines;" which was read twice and committed to a Committee of the Whole to-morrow.

The Speaker laid before the House a letter from the Secretary of War, transmitting a supplementary report in relation to invalid pensioners, made in pursuance of the act of the tenth of April last, entitled "An act to provide for persons who were disabled by known wounds received in the Revolutionary War;" which were read, and referred to the Committee of Claims.

Mr. J. Morrow, from the Committee on Public Lands, to whom was committed, on the seventh instant, the bill sent from the Senate, entitled "An act confirming claims to land in the District of Vincennes," reported to the House their agreement to the same, without amendment.

Ordered, That the said bill be committed to a Committee of the Whole to-morrow.

Mr. J. Clay, from the committee to whom was committed, on the sixteenth instant, the bill sent from the Senate, entitled "An act in addition to the act establishing a mint, and regulating the coins of the United States," made a report thereon; which was read, and, together with the bill, ordered to be committed to a Committee of the whole House to-morrow.

A Message was received from the President of the United States, transmitting a letter from our Ministers Plenipotentiary at London, informing us that they have agreed with the British Commissioners to conclude a treaty on all the points which had formed the object of their negotiation, and on terms which they trusted we would approve. Also, a letter from the Minister Plenipotentiary at Paris, covering one to him from the Minister of Marine of that Government, assuring him that the imperial decree lately passed was not to affect our commerce, which would still be governed by the rules of the treaty established between the two countries. Also, a letter from Cowles Mead, Secretary of the Mississippi Territory, acting as Governor, informing that Aaron Burr had surrendered himself to the civil authority of that Territory.

The said message was read, and, together with the documents transmitted therewith, ordered to lie on the table.

STANDING RULES.

On motion of Mr. Joseph Clay, that the House do come to the following resolution:

Resolved, That the following be added to the standing rules and orders of the House:

Order of business of the day.

As soon as the journal is read, the Speaker shall call for petitions from the members of each State and delegates from each Territory, beginning with New Hampshire.

After the petitions have been presented and disposed of, the reports of the standing committees of the House shall be called for, in the order of their appointment at the beginning of the session.

Reports from Select Committees shall then be received.

The above business shall be done at no other part of the day. The House shall then consider the other business in the following order:

Executive messages.

Reports from Departments.

Reports from the Postmaster General.

Bills on the first, and by special order, on the second reading.

Bills on the third reading.

Committees of the whole House in the following order,

On bills from the Senate, in the order committed.

On bills originating in the House of Representatives, in the order committed.

On Joint Resolutions, in the order committed.

On reports of the Standing Committees, in the order committed.

On reports of Select Committees, in the same order.

On Executive Messages, in the same order.

On Reports of Departments, and of the Postmaster General, in the same order.

Reports of Committees of the whole House shall be considered as soon as made, unless otherwise directed by the House.

The Speaker shall read over the several orders of the day until one be called for, on which the question shall be put, unless a privileged question be moved on it.

No order of the day shall be postponed, on motion, unless indefinitely.

Joint Rule of the two Houses.

No petition or bill, which originated from a petition, which may be rejected by either House, shall be again taken into consideration, unless in the House which rejected the petition or bill.

Ordered, That the said motion do lie on the table.

WRIT OF HABEAS CORPUS

The House proceeded to consider the motion of Mr. Broom—ayes 60, noes 37—the question being on its reference to a select committee.

Mr. **Burwell** said, when he had before addressed the House on this resolution, he had observed that he would vote for its reference to a Committee of the whole House. He should now vote for its reference to a select committee. The change proposed in the mode of its disposition had not varied the principle. It had always been a maxim with him to favor inquiry when solicited in respectful terms. He held it to be the right of every member to submit any resolution to the House which he thought proper, and the duty of the House to give it a respectful attention. He rose, however, at this time for the purpose of offering an amendment to the resolution, predicated on the necessity of limiting the power of the Supreme Court to issue writs of habeas corpus. The object of this motion was not in the least to affect the decision of the Supreme Court, recently made on this subject; but the fact was, the judges themselves questioned their power, sitting as a court, to issue this writ. It was true that in two cases they had exercised this power; but in the last case, after a very full examination, if he was correctly informed, two judges had given an opinion that the court had the power, two were of opinion that they did not possess it, and a third had coincided with the two former judges, barely because a like decision had been heretofore made. In the act of 1789, Mr. B. said he found the following provision:

> "All the before mentioned courts of the United States, shall have power to issue writs of *scire facias,* habeas corpus, and all other writs not specially provided for by statute, which may be necessary for the exercise of their respective jurisdictions, and agreeable to the principles and usages of law. And either of the justices of the Supreme Court, as well as judges of the district courts, shall have power to grant writs of habeas corpus for the purpose of an inquiry into the cause of commitment. *Provided,* That writs of habeas corpus shall in no case extend to prisoners in jail, unless where they are in custody, under or by color of the authority of the United States, or are committed for trial before some court of the same, or are necessary to be brought into court to testify."

Now the question naturally occurs, whether a criminal offence committed against the laws of the United States, or a statute of any State, comes within the jurisdiction of the Supreme Court of the United States. I have no doubt in my mind that that court has no such jurisdiction. A reference to the Constitution, which defines the original powers of the court, will show my construction to be correct. In the third article, second section, it is declared. "In all cases affecting Ambassadors, other public Ministers and Consuls, and 'those in which a State shall be party, the Supreme 'Court shall have original jurisdiction. In all the 'other cases before mentioned, the Supreme Court 'shall have appellate jurisdiction, both as to law 'and fact, with such exceptions, and under such 'regulations, as the Congress shall make."

Does it not follow from these expressions that before the Supreme Court have original jurisdiction (for the issuing a writ of habeas corpus is an original and not an appellate power) they must have that power within the terms of the Constitution, viz: "In all cases affecting Ambassadors, 'other public Ministers and Consuls, and those in 'which a State shall be party, the Supreme Court 'shall have original jurisdiction."

Whence then the power to issue a writ of habeas corpus in any other case? Mr. **Burwell** said it appeared to him that the Constitution did not confer the power to interfere with ordinary offences committed within the United States, and he thought it was at this time peculiarly expedient to make some legislative provision on this subject.

What will the consequence be of this doctrine of the Supreme Court? That a man confined in any part of the United States may be released, however distant from the place where the court sits, and be brought to Washington to determine whether he has been legally committed. In all cases, unless committed on testimony in writing, he must be discharged, for it is usual to recognise witnesses to attend at a particular time and place, and if the person accused be brought up without such witnesses, what is to prevent him from going at large? It is most manifest that the exercise of this power will be found extremely inconvenient; and as in his opinion it could be only exercised in contravention of the Constitution and public utility, Mr. B. said he trusted the Legislature would take steps to limit the jurisdiction of the Supreme Court, and to prevent persons going at large who ought to be confined for their trial.

What would be the effect of the doctrine contended for by the gentleman from Delaware, that it was the duty of every judge even at the risk of his life, to issue a writ of habeas corpus? Considering the extreme distance of one part of the United States from another, it would be impossible for a judge to ascertain whether the individual was confined under the authority of the United States or of a particular State; and consequently, under such an injunction, he would be compelled either to violate the authority of the States, or expose himself to a most severe and imminent peril. Mr. B. said he made this statement to show the necessity of making provision for such a case.

Mr. B. said he had only to add, that if the Supreme Court had a right to issue a writ of habeas corpus in every case, and this were enjoined under a severe penalty, instead of having their jurisdiction narrowed down to particular cases, as was undoubtedly intended by the Constitution, they may interfere in the whole criminal jurisdiction of the United States. It was for these reasons that he offered the amendment. As to the other branches of the subject, he had already given his ideas upon them, which it was unnecessary to repeat.

Mr. BURWELL then moved to insert after the word *States*—"and the necessity of defining the 'power of the Supreme Court of the United States 'in issuing the writ of habeas corpus." This amendment was agreed to—ayes 76.

Mr. JACKSON said he did not vote for the amendment, and should not vote for the resolution, which he thought more exceptionable in its present than in its original form. He had before contended that the privilege of the writ of habeas corpus was amply protected. He had stated that every judge, according to their own claim, did possess the power of issuing it—not under any particular law, but under a Constitutional provision, he presumed. He demanded whether that House could change a Constitutional provision? The Constitution declares that "the privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it." The amendment agreed to went to narrow this privilege, by taking from the Judges of the Supreme Court the right of issuing the writ. Is not this, said Mr. JACKSON, a suspension of it? If the power be taken from this court, may it not be taken from another? What is there to require a suspension of the writ of habeas corpus, that did not require it a few days since when the subject was before us? Are there any imperious circumstances that require it? No; gentlemen who have indulged themselves in animadversions on the conduct of the officer who has made certain recent arrests, and which have given rise to this motion, have failed in showing that the privilege of the writ of habeas corpus is not amply secured. It is in vain to say, that because we fix a penalty to disobedience, or resort to the sanguinary system of some gentlemen, proposing even death, we shall prevent the violator of the Constitution from feeling power and forgetting right. He who is disposed to violate the Constitution will do it, even at the risk of death. We have affirmed, however, that any person whose rights are infringed, may obtain justice; and that the court whose writ shall be refused has a right to issue an attachment. To deny the existence of this power, would be to reduce our tribunals to mere *pie poudre* courts. Although we have called on gentlemen to show the necessity of legislating at this, or any other time, on this subject, they have contented themselves with declamations and discussions merely political. It seems, however, that the zeal of gentlemen to protect the privileges of the citizen, as might have been readily foreseen, has already induced them to vote for ousting the Supreme Court of its jurisdiction.

Mr. BURWELL explained. He said his colleague certainly had not attended to the amendment. It only instituted an inquiry, and did not propose absolutely an abridgement of powers. The arguments used in its favor showed clearly that a distinction had been expressly taken between the powers vested in the Supreme Court by the Constitution and those conferred by the law of Congress. Indeed, it was intended to expound a law of whose ambiguity the judges themselves had complained.

Mr. JACKSON.—I assure my friend from Virginia, that no person is less disposed than myself to misrepresent his opinions. [Mr. J. here read the provisions of the Constitution relative to the powers conferred on the Supreme Court of the United States.] We cannot impose on the Supreme Court any original jurisdiction. I indeed understand they refused to take it in the case of invalids. My objection is, as to the necessity of making any inquiry whatever into the subject, under the apprehension that it will have a tendency to narrow down the rights of the citizen. What are the arguments of my friend? That great inconvenience will flow from this decision of the Supreme Court—that a man confined, at a great distance, will apply by his attorney and obtain his discharge. But I say, if the jurisdiction of the Supreme Court in this case be derived from the Constitution, we cannot, in this way, suspend it. If we say that this or that court shall not exercise that power, we may divest it altogether. This rage for inquiry without necessity is to me a most extraordinary political phenomenon. Has there been a single instance pointed out where a deficiency of power on the part of the court has been manifested? Is there in truth any such want of power? So far from this, many gentlemen are of opinion that the powers of our courts are already too great. I hope, therefore, unless the necessity is made manifest, we shall neither inquire nor legislate; and more especially, while we are expressing our solicitude for the rights of the citizen, we shall not take from him the right of appealing to the supreme tribunal of the country.

Mr. **Bidwell.**—The motion, as now amended, embraces two objects; to provide additional penalties for the security of the privilege of habeas corpus, and to define the powers of the Supreme Court as to issuing writs of habeas corpus. It is proposed to appoint a select committee to inquire into the expediency of making these provisions. Each member of this proposition is expressly predicated, by its mover, upon particular recent occurrences; the one, upon the conduct of General Wilkinson, in seizing certain persons at New Orleans, and sending them to the seat of Government, under military arrest; the other, upon the late determination of a majority of the Supreme Court to exercise jurisdiction in a case of habeas corpus, for the discharge of some of those persons. With respect to both of these objects, and also as it respects the propriety of referring the question to a select committee, I am opposed to the motion, and hope it will not be adopted.

I do not, indeed, subscribe to the opinion, just now advanced by a gentleman from Virginia, (Mr. Jackson,) that Congress have no Constitutional authority to define the jurisdiction of the Supreme Court in cases of habeas corpus. Within the limits of the Constitution there is room for us to pass a law, defining and specifying their powers on this subject. But, sir, I will not give my vote in favor of an act for that purpose, pointed at a particular decision of the court, while they have other questions connected with it under their consideration.

I regret that this subject has been moved at the present time, and still more that the motion has been supported on the ground which has been taken in the debate. The ground of argument assumed by the gentleman from Delaware, (Mr. Broom,) who introduced the motion, and by other gentlemen who have followed him, was calculated to excite unpleasant personal and party sensibilities in the House, and to spread an unnecessary alarm abroad; and, if pursued, in the same latitude of discussion, will occupy the small remainder of the session, to the exclusion of many articles of business, which have already passed through the preparatory stages, and are ready to be definitively acted upon. Sir, the session is drawing to a close, and there are a very considerable number of bills, reports, and other matters on your table, which have been waiting several weeks for an opportunity to be called up. Whenever there has been an opening to call for an order of the day, you have seen gentlemen rising, from all quarters of the House, and endeavoring to anticipate each other in addressing the Chair, for the purpose of bringing forward the business of which they respectively have a particular charge. All this mass of business must be postponed, and all the labor of maturing it lost, by the unseasonable introduction of this question, and the extraordinary mode of reasoning by which its advocates have chosen to support it. They will not suffer us to vote in silence, but drive us to the necessity of repelling their observations and explaining our own views of the subject.

When the gentleman first moved to refer this resolution to a Committee of the Whole, I was in favor of the reference, because I wished to give him a fair opportunity to submit any amendment of our law which he might have in contemplation and because I thought such a question could, according to the rules of order, be discussed with more propriety in the Committee of the Whole than in the House. But it was thought proper to take a different course. The discussion proceeded in the House. The mover has explained his object, and been very fully heard in support of it. After two days debate, he has changed his ground, and substituted the present motion, of which the necessary effect, and of course the design, is to withdraw from the House the first decision of the main question, by referring it to a select committee for inquiry. That would be a departure from the usual and regular course of proceeding. The principle ought to be first settled in the whole House, and, if necessary, a committee afterwards appointed to report the details. I can see no useful purpose to be answered by appointing a select committee of inquiry: for such a committee could have access to no other sources of information, as to law or facts, than such as are already before us and before the public. They would possess no better means of judging, for themselves, than the same gentlemen now have in common with other members; nor would the House feel bound by their report. Suppose a committee to be appointed, and to report that it is, or that it is not, expedient to make the proposed legislative provisions. The question would come back, and meet us again in the House. In this point of view a commitment would be useless; and, for that reason, I shall vote against it.

But, sir, is it necessary or proper, if we had leisure, to pass a law on the subject, at the present time? The principal argument in favor of it has been drawn from the recent transactions at New Orleans. We have been told that the Constitution has been violated, and that Congress ought to act on the occasion; otherwise, we may become familiarized to encroachments on the Constitution, until all respect for that sacred instrument may be lost. Sir, this argument is a two-edged sword. It cuts both ways. If, for a temporary purpose, the trumpet of alarm is sounded, when there is no real danger; if, by way of appeal to the public, we are urged to legislate upon a suggestion that the Constitution has been violated when there has been no such violation, or none but what the ordinary course of law is competent to correct and redress; we may be familiarized to charges of that nature, until we become insensible, indifferent, and disinclined to interpose, when legislative interposition may be really necessary.

For the sake of argument, let it be admitted that a Constitutional right has been infringed.

Does it follow that Congress ought to legislate on the occasion? Take the instance which, in order to bring the subject home to ourselves, has been put. Suppose a member of this House, in contempt of his Constitutional exemption from arrest, except for treason, felony, or breach of the peace, is arrested on civil process, and imprisoned in this territory, or carried out of it, if you please, under arrest; would Congress feel themselves called upon to pass a law, in consequence of such infringement of a Constitutional privilege? No, sir. The legal remedies already provided would be sufficient. The party injured might sue out a habeas corpus for his discharge, in the first place, and afterwards commence his action for damages, to be assessed by a jury, upon a full consideration of all the circumstances of aggravation or alleviation; and the officer or person who did the injury would be still further liable to be indicted by a grand jury and tried and punished by the proper tribunal. These, sir, are the existing provisions of law. And I am not willing to disparage the right of jury trial, so solemnly recognised in the Constitution, by treating it as inadequate to give relief. It is a privilege by no means inferior to the habeas corpus. It is one, indeed, without which that cannot be enforced. It is a legal and Constitutional remedy; and no friend to our laws and Constitution will attempt to degrade it. I am not pretending that it is perfect. Imperfection is stamped upon everything that is human. Courts and juries are not infallible; they are not inaccessible to those passions and prejudices which are common to men in all situations. But they are not more liable to the influence of erroneous or improper considerations than legislatures are. No safer institution than that of trial by court and jury, has been devised to redress infractions of personal rights. It is open to all persons who think they have sustained an injury, and is as free from objection as the lot of humanity will admit.

The violation of a personal right, whether Constitutional or only legal, cannot require legislative interference, unless it has resulted from some defect in the existing law; and even then, an additional act ought not to be interposed at a time and in a manner calculated to make an impression on judicial questions, which may have grown out of the subject. Legislative influence upon the judiciary would be as improper as judicial influence upon the legislature.

It has been admitted, for it could not be denied, that an additional law cannot, consistently with the Constitution, operate retrospectively, so as to have a legal effect upon rights or liabilities, which have already accrued. And surely a legislature ought not, by acts of pointed legislation, to produce any other than a legal effect upon such existing cases, by prejudging a question or prejudicing the public mind, and thus influencing the judicial determination of it. Such, in my opinion would be the tendency of the measure now proposed to be adopted in consequence of an alleged breach of the Constitution. The charge is, that General Wilkinson has violated the Constitutional privilege of habeas corpus; and the object of that part of the motion is to prescribe additional sanctions to secure the benefit of this writ. The mover (Mr. BROOM) has told us that he would inflict upon any violator of it such a penalty as would ruin him. And a gentleman from Virginia (Mr. J. RANDOLPH) has declared that he would even punish disobedience to a writ of habeas corpus with death. The question is, whether such severe and sanguinary punishments are necessary. I think not. Indeed, I perceive no present necessity for any additional sanctions. Has any court or judge of the United States denied a habeas corpus, upon proper application? I have heard of no such denial since the cases which have been stated to have occurred in Pennsylvania in 1794, and those were not occasioned by any deficiency of law. There has been no recent instance. Has any officer refused to serve a writ of habeas corpus? No such refusal is pretended. Has any person, on whom a writ of habeas corpus, from a court or judge of the United States, has been served, refused to obey it? No instance of such disobedience has been officially communicated to us, according to my understanding and recollection of the official communications. It has, I am sensible, been charged upon General Wilkinson, and, in proof of the charge, a gentleman from Vermont has read, from a newspaper, that officer's return to a writ granted by the Territorial court of Orleans. For it is to be observed, that the application was not made to the court of the United States there, but to that of the Territory. The General's return was expressed in the language of a soldier and not of a lawyer. It did not state, with technical precision, whether Dr. Bollman was within his control at the service of the writ. I may be incorrect, for I have not particularly investigated the subject, and it may not be very material, but I understand the fact to have been, that Dr. Bollman had been sent from New Orleans, on his way to this city, when the writ was served on General Wilkinson. This appears from the further proceedings of the court, as published in the same paper; from which the first return has been read.

[Here a Message from the President was received and read, after which Mr. B. proceeded.]

When the Message was announced, I was noticing an extract from the proceedings of the Territorial court at New Orleans, which I now beg leave to read.

"In the Superior Court of Orleans, December 26th. In the matter of the *Habeas Corpus ad subjiciendum*, directed to General Wilkinson, to produce the body of Dr. Erick Bollman; on motion of Mr. Livingston (in behalf of Mr. Alexander, the attorney upon record) that General Wilkinson be required to make a further and more explicit return to the said habeas corpus, or show cause to-morrow morning, at the opening of the court, why an attachment should not issue against him: *It was ordered*, that the rule be granted, and that a copy thereof be immediately delivered by the sheriff to General Wilkinson. On the next day, on motion of Mr. Duncan, in behalf of General Wilkinson, and on reading the following, as an amended return to the above-mentioned habeas corpus:

'The undersigned, commanding the Army of the United States, takes on himself the responsibility for the arrest of Dr. Erick Bollman, on a charge of misprision of treason against the United States, and has adopted measures for his safe delivery to the Executive of the United States. The body of the said Erick Bollman is now, and was at the time of the writ of habeas corpus, to which this return relates, out of the possession, power, or custody of the undersigned.

'JAS. WILKINSON.'

"*Ordered,* That the same be received and filed, and the rule *nisi* of attachment be discharged."

The fact is here stated, as I have understood it. Dr. Bollman was on his passage to this place, before the writ of habeas corpus, sued out by his friends, was served on General Wilkinson; whose transaction, therefore, in whatever light it is to be viewed, in relation to the laws and authorities of that Territory, was not a disobedience to this writ of habeas corpus, but a military seizure and transmission of a person from New Orleans to Washington, under an avowed responsibility, and upon the principle that it was necessary for the public safety. At any rate it does not appear to have resulted from a want of penalty, or any defect whatever in the habeas corpus laws of that Territory, whose courts and laws, and not those of the United States, were resorted to for relief.

One case has been mentioned in the newspapers, in which a writ of habeas corpus, issued under the authority of the United States, was not obeyed. An officer at Charleston, South Carolina, it is said, instead of producing Dr. Bollman, in obedience to a writ from the district judge, transmitted him to Washington, because the orders of General Wilkinson, in general terms, directed his transmission, without any particular instructions respecting a habeas corpus. The officer seems to have considered it his duty to obey the orders of his commander, without regard to any interfering lawyer or civil process. I am of opinion that he erred, and has exposed himself to punishment, as well as to damages. But his error does not appear to have been wilful, nor to have resulted from any defect in the law, but from an erroneous military principle. The same principle, however, has, at the present session, found very respectable advocates on the floor of this House. Yes, sir, in the case of Captain George Little, gentlemen held that a military or naval officer is not bound to take notice of any law in opposition to, or even in explanation of, the orders of his superior. It will be recollected that I opposed that doctrine, although I admitted that an officer, civil or military, acting contrary to law, through misapprehension of its meaning in a doubtful case, or in some great emergency not provided for by law, might be equitably entitled to indemnification. Damages had been recovered against Captain Little, for doing an illegal act, in pursuance of orders from the late President of the United States, and Congress have passed a law to indemnify for those damages. The Executive orders, under which he claimed, taken in connexion with the law, which was referred to in the orders, did not appear to me to warrant the transaction, which has been adjudged to be be illegal, and for which the damages were recovered. I did not, therefore, vote with the majority in favor of his claim. But gentlemen who supported it on the ground I have mentioned, will, if they are consistent, be so far from inferring a necessity for further penalties, from the case of Captain Kaltiesas at Charleston, that they will be ready to grant him an indemnification, if he shall be found to have acted honestly, according to his understanding of his orders. By indemnification, I do not mean an act of indemnity, in the British sense of the term, pleadable in bar both to an action for damages and to a prosecution for an offence. Such an act might here be considered unconstitutional and void. A remuneration for damages incurred has been the mode of indemnification adopted by our Government.

On this subject an example has been quoted for our instruction, from English history. It was a proclamation, issued in derogation of law, by the King, with the advice of the celebrated Lords Chatham and Camden, on a great national exigency. The measure was generally approved and applauded throughout the nation. The Parliament were ready to sanction it. But, instead of accepting an act of indemnity, those Ministers undertook to justify it, as legal, upon the principle of necessity. In that they erred. When the question came before the court, for judicial consideration, Lord Mansfield decided against the doctrine of his great political rivals, and I think his decision was correct. As a judge or a juror, I should have condemned them. But, sir, if instead of justifying the proclamation, as legalized by State necessity, the Ministers had acknowledged their responsibility for it, and thrown themselves upon the justice of their Government, had I been a member of the British Parliament, I would have voted them an indemnity. Their error consisted, not in doing an illegal act, for the public good, but in doing it under color of legal authority, when the law did not authorize it. Whether General Wilkinson's conduct has been correct or erroneous in other respects, he has not fallen into this error of those celebrated English statesmen. He has not pretended that, in seizing the persons alluded to and transmitting them to the seat of Government, he was justified by orders or by law. He has not cast the responsibility upon any other officer or department of Government. He has explicitly assumed it all to himself, and put himself on the candor of his country for indemnification. If it shall appear that he has acted honestly, for the safety of the Army and the preservation of the Union, under the pressure of such urgent necessity, as he professes, I trust he will be indemnified. On the contrary, if it shall turn out, upon future investigation, that he has acted unnecessarily and wantonly, from motives of malice or resentment, he will undoubtedly be left to suffer the consequences. I give no opinion of the merits of his conduct. I hope the House will not, at present, give an opinion, or adopt any measure calculated to have a bearing on the question. It is premature. We have not sufficient information. We have not a statement of all the facts, nor the evidence in support of the facts, which are stated. In due time an inquiry will be proper, and doubtless will be instituted. General Wilkinson will probably demand it himself. But it would be unfair and unjust, as well as impolitic, to anticipate it.

While I feel this to be an interesting subject, I have little apprehension of the danger, which has been so eloquently and pathetically foretold. Our Constitution, our laws, our liberty, and property, are more endangered by acts done silently, under color of law, by a constructive assumption or extension of powers, than by any which may be done openly, in the face of the nation, under a known and acknowledged responsibility, subject to the approbation or disapprobation of the Government, after a deliberate examination of the whole case. The temptation to pass such an ordeal cannot be so strong as to be dangerous.

The privilege of habeas corpus is guarantied to the Territory of Orleans, as fully as to the other territories of the United States. Their courts have cognizance of that writ. It is allowed, and exercised, and enforced. The regulation of its forms and sanctions, in common with other subjects of territorial legislation, belongs to their own legislature, subject to the revision of Congress. It does not appear that amendments or alterations in their habeas corpus laws are necessary. If they were, this is not the proper mode or time to introduce them. Gentlemen who argue in favor of the motion before us, from the recent occurrences at New Orleans, have mistaken the case. The remedy which they propose would not touch it, and therefore could not prevent a repetition of it. If any legislative measure is to be predicated upon General Wilkinson's transactions, in seizing suspected persons, at a crisis of danger, and transmitting them to the seat of Government, under a military arrest, it ought to be an act to define and restrict the powers of a military commander, or a direct inquiry into his official conduct, neither of which would, in my opinion, be seasonable or proper at the present time. In no point of view can I perceive an immediate necessity for a legislative definition of the powers of the Supreme Court, in issuing writs of habeas corpus, or for further penalties to enforce such writs, when issued by that or any other court or judge of the United States. Although I consider this as well as other branches of our criminal code susceptible of improvement, and at a suitable time shall be willing to unite in any reasonable efforts to procure a deliberate revision of them, yet, under the existing circumstances, and at this late period of the session, it does not appear to me expedient to attempt it. But, whether it be expedient or not, is a question which, in point of principle and regularity of proceeding, ought to be decided in the whole House, and not referred to a select committee for inquiry. I shall, therefore, be constrained to give my vote against the motion now under consideration.

Mr. QUINCY.—So long as an intention appeared to make this a party question, I had no inclination to intermeddle with it. The subject seems to me to be of too high a nature, and too deeply to be connected with the rights and liberties of us all, to be examined under those narrow and temporary views, which party spirit necessarily introduces. Since the discussion has assumed a milder aspect, I shall offer a few considerations; limiting myself to a very simple and brief elucidation of the subject, in a point of view which no other gentleman has taken of it, as yet, on this floor.

I cannot agree with those gentlemen who maintain that, in the arrest and transportation of Bollman and Swartwout, they can see no violation of the rights of individuals. The privileges of the Constitution are as much the inheritance of the humblest and the most depraved, as of the most elevated or virtuous citizen. To be seized by a military force, to be concealed and hurried beyond the protection of the civil power, and to be sent a thousand miles for trial, in a place where the crime charged was not committed, I humbly conceive are violations of individual rights, and of the Constitution. I am not, however, prepared to say, that in no possible case they can be pardoned; nor, with the gentleman from Virginia, (Mr. RANDOLPH,) that in no case, I would consent to indemnify a military commander for making such an arrest. A case might exist, when it might be the duty of a Legislature thus to indemnify. I agree, however, that it must be an extreme case, and that the party to be indemnified must evince that he had himself no voluntary agency in producing the state of things which made such an unconstitutional exercise of power necessary to the safety of the State. I give no opinion concerning the conduct of General Wilkinson. The events which happened at New Orleans have no other relation to the subject before the House than this: They have turned the attention of reflecting men in this nation to the nature of the security they possess against similar violence; and, in common with other reflecting men, it has become our duty not only to understand the nature of that security, but also to supply, as soon as possible, any deficiencies we may discover in it.

The only question is, have this people the privilege of the writ of habeas corpus secured to them as fully and effectually as the Constitution intended, and as wise and prudent men ought to desire? I answer, unequivocally, they have not. So far as relates to cases under the exclusive jurisdiction of the United States, we have virtually no writ of habeas corpus. And for this plain reason, that we have none of the sanctions of the writ; we have none of those penalties, without which the writ of habeas corpus is a dead letter; particularly in all cases in which the state of party passions, or of any predominant power, leads to the oppression of an individual.

The writ of habeas corpus and the penalties by which it is enforced, and in which the great benefit of the privilege consists, are distinct things in their nature. The former was known to the English common law, and although, at all periods of English history, it was held a very precious right, yet were its provisions found wholly inefficacious against arbitrary power, until after the statute of Charles II. called by Englishmen their second Magna Charta. This statute gave penalties unknown to the common law. If a judge refuses to grant, or an officer refuses to execute the writ, he is liable to a penalty of five hundred pounds sterling, and similar sanctions annexed to other neglects of the precept. The House will observe, that all these penalties are securities given to personal liberty, additional to those which exist at common law, and are not substituted for them. These penalties are annexed for disobedience to the writ, not as indemnification for the injury. All the other remedies against the judge, or the party imprisoning, remain unimpaired.

The question recurs, does the Federal Constitution, by securing to us "the privilege of the writ of habeas corpus," secure to us those sanctions of the writ, which constitute in England its characteristic security? If the Constitution had re-enacted the statute of Charles, there could be no doubt. But will gentlemen seriously assert, that a penal statute of another country can, by construction, be declared the law of this, so as to make our citizens obnoxious to its penalties? If that statute be our national law, how was it obtained? Re-enacting statute we have none. And "the United States, as a Federal Government, have no common law," if we give credit to declarations daily made upon this floor, or respect the opinions of one of the highest law authorities in this nation. I refer to the opinion of Judge Chase, in the case of the United States against Worrall. 2 Dallas 394.

This view of the subject is certainly sufficient to satisfy this House, that their security for this great privilege is, at least, uncertain; and is not this reason enough, for this Legislature to commence an inquiry into the nature of that security, and the additional provisions it requires? This at present is the only question.

But the gentlemen ask "what need of further penalties?" "If the judge refuses the writ, is there not impeachment?" "Against the person illegally imprisoning another, is not an action for damages?" I answer—Both these securities for the personal liberty of the citizen existed, and do still exist in England, as fully as they do here, yet was it ever before heard that these were reasons against enacting that celebrated statute of Charles or, were ever urged as evidence that its provisions were needless, or useless? The penalties of that statute are guarantees of the liberties of the citizen, additional to those which result from the law and the Constitution. The principle of that statute is, to rest satisfied with nothing short of the actual liberation of the person from illegal imprisonment, in the shortest time possible. To this end all its provisions tend. It will not leave a citizen to languish in prison, in expectation of the result of the slow progress of legislative inquisition, or for the purpose of ultimately qualifying him to receive a heavy conpensation in damages. Impeachment is always a dubious, and an action for false imprisonment often an inadequate security for the observance of the writ of habeas corpus. Great violations of the privilege of this writ can never happen, unless in times of great violence. In such times, what hope of an impeachment against a judge, who abuses his authority in coincidence with the views of a prevailing party? And as to damages, is personal liberty to be estimated by money? And if it were, what certainty that the person guilty of the illegal arrest will be competent to pay the damages recovered? In the case of seizure by a military power, can it ever be expected, from the universal pecuniary deficiencies of the soldiers, that damages will be realized, even should the civil arm be competent to enforce an execution?

The penalties affixed by the statute of Charles, on the contrary, assure the obedience of the courts and officers of justice, independent of all party influences which may happen to prevail in the nation, and secure personal liberty by pecuniary perils, suspended over the heads of men, whose situation in society is such as, in general, makes the attainment of the penalty certain, should it be incurred. Upon the whole, those who oppose the present motion seem to me be reduced to this dilemma; either they must acknowledge that they are content that the citizens of these United States should possess less security for their liberties than the subjects of the law of England enjoy for theirs, or they are reduced to the necessity of adopting the doctrine that the statute penalties of another country may by construction become the laws of this nation; than which, I can conceive nothing more monstrous or absurd.

In this discussion it has been my wish to avoid all notice of the party and personal invectives which have been uttered. The question is too important to be mingled with feelings and passions of these descriptions. And the circumstances of the times and of the nation, seem to me to claim from us a contempt for these local and ephemeral distinctions.

Mr. **Gregg** said he did not rise to enter into a discussion of the merits of the question, but merely to move its postponement indefinitely; the propriety of which motion, he thought, must present itself to the mind of every gentleman. From the time which had been already spent in this debate, it must be evident that before it was finished the session would be passed away. A considerable portion of the business on the table the public interest required to be acted upon, and scarce time sufficient remained to give it the necessary attention. Mr. G. said he should have had no objection to the resolution if offered at an earlier period of the session; and he believed even at this late period he should be willing to let it take place of other business, if he considered it indispensably necessary. But, as he did not believe this to be the case, he trusted the postponement would be agreed to.

Mr. **Newton**.—I presume I may be permitted, notwithstanding the motion has been tried, to go fully into the subject before the House. I hope this House will not indefinitely postpone it. If ever there was a subject within the attention of an enlightened Legislature, it is the subject before us. Every subject that regards the liberty of the citizen should be received with reverence and respect by the votaries of liberty. If we can better the situation of the people of the United States, and keep from them, under all circumstances, the hand of oppression, it is our duty to do it, and to pay attention to whatever is likely to eventuate in such an issue. I shall not consider this case as the basis of an impeachment. The only true inquiry at present is, whether the writ of habeas corpus is sufficiently fortified by Legislative provisions? I will not commit my understanding so far as to decide on the conduct of the Commander-in-chief. If he has done wrong, let him be answerable to the laws of his country; much less will I talk of indemnifying him. For this reason, because the jury before which the case may come, may, under such circumstances, have regard, not to his circumstances, but to the Treasury of the United States.

It is said that the quarter from which the resolution comes gives it a suspicious appearance. It is true I am of that class of men who may say to the gentlemen with whom this motion originates, as was said of old to the Trojans, *timeo Danaos, et dona ferentes.* But I am willing to examine the proposition, though it comes from that quarter—to sift the good from the evil. If gentlemen submit to us a good proposition, I am ready to treat it with all the respect it merits; and I will give all the weight which they may deserve to propositions which they, feeling power and forgetting right, in past times refused to allow. God forbid that we should act on principles that we could not justify. Yes, I congratulate the mover of this resolution, that he has arisen from the long slumbering nap in which he has been involved, and that he has all at once been illuminated by the splendor of liberty. I congratulate him on this circumstance, and I assure him of my most hearty concurrence in the measure he has brought forward.

My friend and colleague, from Virginia, has offered a most important amendment to this resolution. The Supreme Court of the United States, after having this all important case for a long time under advisement, and after an argument from the bar, are again afloat on the ocean of uncertainty, have started some new doubts, and have asked the gentlemen of the bar to come forward with a new argument. If this is the fact, does it not show the necessity of our attending to the subject; and of some new Legislative provisions upon it? I am for defining the power of our courts. I wish to understand the extent of their prerogatives; and particularly whether they have appellate jurisdiction in criminal cases; before whom criminals are to be brought; who are to grant writs of habeas corpus, and admit to bail?

These are all considerations of importance, and constitute the reasons which induce me to vote for referring this resolution to a select committee. But, say gentlemen, we cannot mature this subject this session. Perhaps so; but is this a sufficient reason for not commencing the investigation, for comparing our ideas on the subject, and going forward as far as we can in our progress towards a decision? I, for one, shall always be in favor of an inquiry into subjects that have a reference to personal liberty.

Another of my colleagues has not only stated an objection to the original resolution, but likewise to the amendment. His objection is, that we are filching from the Supreme Court a power conferred on them by the Constitution. Let us examine this question a little. Do not the judges of the Supreme Court, in connexion with the district judges, compose the circuits of the United States? We say it is doubtful whether the former judges, sitting as a Supreme Court, have a right to take this subject into consideration. It has never been denied that they have a right in their respective circuits, at their chambers, to grant writs of habeas corpus. This has never been denied—this I say is law.

This subject has been spread over an immense extent of ground. The single point, however, at issue, is, whether we will commit this resolution, in order merely to obtain correct facts and information, which shall present the subject in such a form as shall enable us to act understandingly upon it. I am not at present in favor of acting definitively upon it; but merely for inquiry. So circumstanced, I presume our proceedings cannot injure any individuals implicated in this business, as nothing we can do can have a retrospective effect. These are my reasons for voting in favor of the present motion.

Mr. SMILIE.—I have but a few observations to offer on this subject. At an early stage of this debate I expressed myself in favor of the resolution. I thought it proper in itself, for this reason: I had doubts in my own mind whether the writ of habeas corpus was secured by the penalties necessary to give it effect. I had endeavored to inform myself by conversing with professional men upon the subject; finding that they differed in opinion I thought it proper to inquire into it. But, like some other subjects introduced into this House, I think it has been spoiled by the mode of treating it. I had flattered myself that it would have been considered as a subject of no one party; but as one in which all parties were equally interested. Instead, however, of treating it on its own merits, it appears to me that the mover and other gentlemen have involved themselves in invectives against the Commander-in-chief and on points altogether unconnected with the main subject. It is admitted by the mover of this resolution that there may be circumstances under which it might be the duty of a public officer to depart from the laws and take the responsibility upon himself. The gentlemen, notwithstanding, undertook to arraign the conduct of the Commander-in-chief without his being heard. Surely this is not the tribunal before which that gentleman ought to appear in case he has done wrong; and if it were, in justice, he ought to be heard before he is condemned. Yesterday a doctrine was stated of a most extraordinary nature, though I admit it is the only doctrine on which gentlemen can justify condemning the Commander-in-chief without a hearing. The doctrine is this, that under no necessity whatever can an officer be justified for departing from the law.

Mr. J. Randolph explained.—He said he believed there might be situations in which a departure from the law might be palliated, if not justified. He had no doubt of it; but he must be permitted to add, if the remarks of the gentleman from Massachusetts were intended to bear on what he said, that that gentleman had misunderstood or misstated him. He had stated a case of a known, acknowledged violation of the Constitution of the United States by a military force. That was the thing. For instance, as if in sitting, as they had done some few years since, till day-dawn, balloting who should be President, under the impression that all would go to anarchy and confusion but for his superior power and wisdom, a commander at the head of a military banditti had stepped in to tell us who should be President. If the military had a right to put the Constitution at defiance, they had as good a right in one case as in another.

Mr. Smilie.—The gentleman's explanation is perfectly satisfactory. I certainly did misunderstand him. It is well known that military men have departed, and must depart in some instances, from the laws. For instance, it is justifiable for the commander of a garrison, under some circumstances, to burn the suburbs of a city. Since then it is admitted there may be a justification for a departure from the laws, such justification must depend on the degree of necessity that may exist. And my conclusion is, that as we are not acquainted with the circumstances of this case, it is premature to pass judgment on those implicated in it. On this point I coincide with the gentleman from Massachusetts. We ought entirely to consider the subject before us on its own merits. The next question, therefore, is, whether we are in the situation to make the proposed inquiry. On this point I am sure no gentleman will undertake to say, even were we to suspend the whole business before us, we should be able to mature and finish before the close of the session a business of this importance; and if we did, I fear it would be very incorrectly done. Inasmuch then as we cannot get through this business during the present session, it is proper in my opinion to postpone it until the next. I pledge myself that I shall then be as willing as any gentleman on this floor to take it up and give it a deliberate investigation.

Mr. J. Randolph.—When the gentleman from Pennsylvania made this motion, I was really apprehensive that it would have an effect different from that intended—that it would have the effect of protracting this debate. We have had a long discussion, and when every member is ready to give his vote on the subject, and most of the members who desire it, have in all probability delivered their sentiments, a motion to postpone the subject is offered. What is the consequence? Every member who has spoken on the main question acquires the right to speak twice on this.

I am sorry for the declaration made by the gentleman from Pennsylvania. I understood him to be friendly to this measure. But how am I to reconcile his friendship with the negative vote which he means to give? For will he or any other gentleman point out a substantial difference between negativing and postponing this resolution? This is nothing more or less than an ingenious mode of quieting a tender conscience—to induce gentlemen to vote for postponing, what on principle they cannot vote against. Suppose in the case of a petition from Stephen Sayre, or Oliver Pollock, or any other of the claimants so steadily before us, a motion should be made to postpone their case indefinitely. What would the gentleman from Pennsylvania say? That there was no substantial difference between postponing and negativing it. I do confess, sir, if I was opposed to this measure, I would get up and say so—I would vote against it—I would come out manfully and decide on its merits; and I trust gentlemen opposed to it from principle will have the magnanimity to reject the postponement and try the strength of the House on the main question.

I certainly mean no disrespect to either of the gentlemen from Pennsylvania, because where I do not feel disrespect, I would not express it. But the motion made by one of those gentlemen and advocated by the other, gives an unfaithful representative of the people an opportunity of shrinking from his Constitutional responsibility, and, as such, ought to be resisted. A gentleman goes home, and is asked, what did you do in the case of the habeas corpus? Did you vote for or against it? He replies—no, I did not vote against it—I only voted for postponing it indefinitely. Well, what is the meaning of this Parliamentary phrase? Though it is exactly the same as voting against a measure, yet, addressed to the unlearned ear of the planter, it gives an opportunity to every man afraid to stand on his own responsibility to cheat his constituents.

With regard to improper topics and extrinsic considerations introduced into this debate, no one can be more sensible of, or have greater reason to regret it, than myself; but, if urged by me, they have been urged in self-defence. I may truly say I did not begin the battle. For on the first day's discussion, when the mover was making a lengthy speech on this subject, I was engaged in the committee room, and only came into the House when about to adjourn; but, notwithstanding, I heard enough to convince me that principles had been broached which, let them be broached wherever they may, will always meet my reprobation.

The gentleman from Massachusetts must certainly have labored under some strange misapprehension when he conceived that I quoted the case of the prohibition of the exportation of corn from Great Britain, by royal proclamation, with the view he ascribes to me. I certainly did not. I did not say that if the Ministers had acknowledged a violation of law, and had thrown themselves on the mercy of their country, it would not, according to the usages of that country, have been proper to have passed a bill of indemnity. I quoted this case to show that when the known and acknowledged friends of freedom become so intoxicated with power as to abandon the strong bulwark of the Constitution, those opposed to them will turn their batteries against them—to show that it did not become the gentleman from Massachusetts, if indeed he is the friend of freedom, to quit the true old Constitutional ground, and suffer it to be taken by those in opposition. And in illustration of this observation I stated, that that cunning Scotchman, Mansfield, under similar circumstances, had taken the true ground of the Constitution against Chatham and Camden, its loudest advocates, and had thus defeated them with their own weapons.

I am sorry to be obliged to trouble the House with any more of that idle declamation which, it seems, is totally useless, except to serve the purpose, at various times, of replying to itself. But this declamation has even in this respect one advantage, often found wanting to the most solid argument, viz: that it is a satisfactory reply to something—that it has at least the power of answering itself—and is indued with properties of echo—that it is not "unheard, unknown." There has been a dispute in the world from time immemorial between wit and dullness—between imagination and judgment. So we have been told, though some who cultivate the sceptical philosophy dispute it. But this impression has been so long attempted to be made, that there is not a precise or formal coxcomb that does not on the score of dullness arrogate to himself judgment and profound wisdom. While I am willing to allow that declamation, or the powers of an effervescent imagination, are no evidences of wisdom, the House must admit that the mere dullness of a special pleader without his accuracy does not imply any pretensions to knowledge. The truth is, that on this as on other subjects, it has been my misfortune to come to the House too unprepared. I knew nothing of the subject until it was brought under discussion. I got up yesterday, as I have to-day, to say what first came into my head, and in this way I hope I shall be permitted to go on.

However the gentleman from Massachusetts may have professed his anxiety to avoid committing himself by giving an opinion in the present case, he has given a broad hint of the propriety of indemnifying the commander-in-chief in this instance, if he has acted illegally, by the allusion which he has made to the case of Captain Little, to which he might have added that of Captain Murray. Let us examine the analogy of these cases, and see whether the gentleman from Massachusetts with all his precision and ingenuity, is able to make out a similitude between them. The cases of Little and Murray were instances of military men obeying the orders of their military superiors. If it were proposed in the present instance to mulct the young officers who have made these arrests, those cases might with fairness have been cited, they might tell you that in doing so they obeyed their superior officers, and that they could not stand disputing their power lest they should be broken by a court martial. Does the gentleman say there is a similitude between the cases of Little and Murray, and the case of a commander of your army, (supposing him to have contravened the law) and that he would have the same excuse for such contravention as an inferior officer? Does he mean to prepare the House for a justification of the Commander-in-chief on this ground? I hope and trust not. I may speak at random, but I cannot believe his conduct, such as it has been represented to have been, can have been justified either by the instructions or the approbation of his superior officer. But even if it should appear to be the case that he received such instructions from the highest Executive authority, the only thing which can be said is, that the Commander-in-chief has acted under the orders of his superior, as in the cases of Little and Murray. But did the House mean to say, when they voted an indemnity to Little and Murray for obeying the orders of the Executive, in cases where the civil and military authority were combined, that because this conduct of an inferior officer was justified by the orders of his superior, there was therefore no blame attached to the Executive? I hope not. I trust in God not. I should have been sorry to have seen those claims passed, to give a sanction to the departure of the Secretary of the Navy and the Secretary of State from the laws of the land. It will not, therefore, follow that, because the House considered the inferior officer not culpable, they also considered the superior, who gave the orders, free from censure. Let us then hear no more in justification of the Commander-in-chief, unless gentlemen show that, instead of acting on his own responsibility, he acted on that of his superior.

I consider the whole of this business as one of the most unfortunate kind that could have happened to the United States. If we had acquired Louisiana by force of arms or conquest, we could scarcely have inspired the people of that country with greater indignation than by these events—in which it is yet to be seen whether those people are at all concerned; or whether they are not standing like sheep, suffering the wolves to pass without disturbance—events which must sow the seeds of lasting misfortune, unless healed by a timely interposition of the Government. And nothing can have a more fatal effect than anything done by this House, or the other part of the Government, to sanction the conduct of the Commander-in-chief, taking it to be such as is ascribed to him. As a member of this House I am free to give my opinion of what would restore peace to that country—though out of doors I might not do it. The first step ought to be the immediate recall of every man directly or indirectly concerned in this business. You can hardly suppose, sir, that I look forward to be made their Governor, or desire on my recommendation to introduce a friend to that place. But I have no hesitation in saying that unless some such step be taken, the attachment of that country to the United States is lost forever. I would take such a step boldly—I would know nothing of their little disputes—I would act with the authority of a venerable parent, who, on returning home, found his children by the ears. I would correct them all, I would discountenance at once all such intrigues—I would recall every man who has directly or indirectly participated, or is suspected of having participated in them—I would, in short, rub out and begin again. It is an extremely unfortunate thing that the people of New Orleans, for the most part speaking the French language, a great part of them attached to the Crown of Spain—transferred to the United States by an honorable purchase—told they were about to taste the sweets of a Government of laws—told that arbitrary notions and *lettres de cachet* were to be proscribed—that the Constitution was not to be departed from, but that they were to enjoy all the blessings of citizens of the United States—it is extremely unfortunate that New Orleans should be the first place in which a lesson of military despotism should be taught. I deem it extremely unfortunate—it cannot tend to attach those people to the United States; it will, however, have another tendency—it will prevent every man of character from emigrating to that country, and instead of mixing the Americans with the French, the latter will be kept as a distinct class. For will any man, having the least regard to his rights, go to a place where he will be seized by a military commandant? Suppose, Mr. Speaker, such a thing had taken place in your country or mine. The military would not at this period be before the court—the spirit of the country would have long since settled the question. I recollect in 1798 or 1799, when the officers of the army were following their legal avocation of enlisting recruits, such was the spirit of detestation in which a standing army was held in my district, that these men were obliged to break up and move off. That spirit would scarcely endure the legal act of a man acting under legal authority, and yet we have now an apology for men acting in direct contravention of legal authority. Will any man point out a good cause for this change?

The gentleman from Massachusetts stated another case, which I think inapplicable. In case a member of this House should be arrested by the civil authority, he says he may obtain redress. There is no doubt of it. But suppose it was proposed to pass a law for the punishment of murder, and the gentleman should get up and say there is no necessity for such a law—the dead man may have redress without it!

The writ of habeas corpus is the only writ sanctioned by the Constitution. It is guarded from every approach except by the two Houses of Congress; and yet this writ, thus acknowledged, thus specially designated, this second Magna Charta, as it has been called, is to be put on the footing of a common trespass. Really, when a man tells me that if imprisoned I may get damages, it requires no ghost to come and tell us that this may be done even without the writ of habeas corpus. But will gentleman point to any Legislative sanction by which the execution of this writ is guarded? Perhaps action on the case might be sustained for disobeying it; but suppose a judge should deny it. Impeach him, say gentlemen. But will gentlemen rely on that? That affords no certain punishment, and an uncertain punishment is inadequate. We want a certain and adequate remedy. The gentleman from Massachusetts is equally unfortunate in stating that I am the advocate of punishing with death every person concerned with an infraction of the writ of habeas corpus, or, as that gentleman stated it, for small and trivial offences.

Mr. **Bidwell** explained and observed that he had had allusion to the remarks of the gentleman relative to the slave trade.

Mr. J. **Randolph**.—I stated that I would make a military officer, acting under his own responsibility, acting as commander-in-chief, punishable with death for such an infraction. Did I, in saying so, also say that I would punish an inferior officer with death? Will any man deny that a military character arraying himself against the constitution of his country is worthy of death? I say he is a traitor. A commander-in-chief of an army, who, on his own responsibility, puts the constitution and laws of his country at defiance, is a traitor; and, supposing the case stated at New Orleans to be correctly stated, the Commander-in-chief is as much a traitor as any other man concerned in the conspiracy. Who are these traitors? Burr and Co. What are they about to do? To put down the civil authority by military force; and is there any substantial difference whether the civil authority is trampled under foot by Burr and his banditti, or by a commander-in-chief and his regular army? I will go farther. Suppose these measures for putting down Burr shall eventually prove to have been measures for putting up somebody else, in what will these men differ? In nothing. If the commander of an army, to give himself a false eclat, shall trample the Constitution under foot, shall go a certain length with conspirators, and finding his ground no longer tenable, shall determine to make up in zeal what he wanted in fidelity, he is guilty of treachery to the Constitution and laws—he is guilty of more—he is guilty of violating the principle respected by knaves—the principle of fidelity to each other.

We are told that a continual outcry against public men has a tendency to render the public mind callous, and by its familiarity tends to lose its effect. But do gentlemen believe that stepping forward in defence of the privilege of habeas corpus, flagrantly violated, (taking that to be the case,) is a mere peccadillo, about which the people ought not to be alarmed? If so, gentlemen are wofully deceived. The people are not so sound asleep as to be roused; and it was the duty of that gentleman and other gentlemen on his side to have come forward and have said—we are sorry that gentlemen have got the start of us, but their doing right shall not drive us into what is wrong. On this subject we will go all lengths with them, we will make an inquiry into the propriety of amending the laws—we will not be behind them in manifesting a zeal for the Constitution. If gentlemen had acted so, there would have been an end of the business at once; but it is saying they are friends of the measure, while they are acting as its enemies, that produces this distrust.

The gentleman from Massachusetts (Mr. Quincy) has stated the difference that exists between the right of the writ of habeas corpus and the remedy. He has correctly stated that it is not intended as a remedy—not to allow an action for false imprisonment—but to prevent false imprisonment and therefore that it ought to be guarded by sanctions. But the gentleman has omitted to mention one circumstance, which is, that in England the writ of habeas corpus is secured by the sanction of death. And is our attachment to liberty less than that of England? I say that a Chief Justice of England for refusing to issue a writ of habeas corpus, may be impeached, taken to Tower Hill and decollated. If there had existed the privilege of the writ of habeas corpus in England at the time of the impeachment of Strafford, could there have been a charge more strong than a settled design to do away that privilege? In England also it is guarded by the power of attainder. Thank God! we have not that feature in our Constitution. But if the same spirit pervades that country now which once did, nothing would sooner pass a bill of attainder, through the two Houses of Parliament, than a known and wanton invasion of this privilege. But fortunately our Constitution has denied to us this power; and it is because we cannot pass bills of attainder, and because judgments on impeachments do not affect the life, that it behooves us to guard this important principle with some more solemn sanctions than it now possesses.

Mr. ELLIOT.—A gentleman from Tennessee Mr. G. W. CAMPBELL) whom I do not at this moment observe in his place, but will presume that he is attending his duty as a member of the House, and to attract whose attention I will "lift up my voice," in both of his speeches of yesterday certainly entitled the House to some additional, at least to some explanatory remarks from me; and although the House would be very willing to relinquish its right, I cannot, as an individual member, consent to part with my portion of the claim.

In the first place that gentleman seemed disposed to announce to the House that I was not so well versed in the law of treason as himself. He said that in treason all are principals, and of course that there can be no accessaries. It is very true. The general principle is correct. It has long been settled as a principle of English law, that acts, which, in felony, would make one accessary before the fact, in treason, as well as in trespass, render him a principal offender. But there is a humane and liberal principle in the English law upon this subject, which those exclusive Republicans who are ready to justify General Wilkinson, by considering the persons accused by him guilty of the actual commission of the crime of treason, either do not know, or are not disposed to adopt. The general principle is subject to this qualification, except in treason touching the death of the King, &c. In every other kind of treason, it is admitted that offences of an accessorial nature may exist, and that they are of a derivative character; some act must be done, to which the offender must be accessory, and from which his guilt is derived; some original and principal traitor may exist, to whom another may be considered, in the first instance, as subservient. Although in the event of the prosecution such an offender may be considered as a principal, yet, in his progress towards conviction, which is the case now existing in our own country, he ought, from a principle of natural justice, to be considered merely as in the nature of an accessary, before or after the fact. Otherwise, if the person accused as an auxiliary, were tried before the person who actually committed the act, the very great absurdity and injustice might result, that the accessorial agent might be convicted, and he who did the act, and from whose guilt alone that of the actual accessary could flow, might be acquitted. This principle is to be found in Foster, Hale, and Hawkins, who may be considered as the classical writers upon criminal jurisprudence in Great Britain.

Of the insinuation that I was ignorant of the law, I should, however have had but little reason to complain. I do not recollect that any one adopted the expression, "champion of the Constitution," but myself, and the gentleman spoke of those who announce themselves to the public, as the champions of the Constitution and the cause of liberty, merely for the purpose of making a great noise, and of displaying "pictures," calculated to attract the attention, and delude the imagination, of the people. I will not presume, although I could wish the gentleman were present to give a serious explanation, that he intended to impeach my motives. But something must be said on the subject of pictures and painting. From the extreme difficulty with which the gentlemen managed his metaphor, it was obvious to us all that he was no great proficient in the art. And yet he is unquestionably the very best painter of the particular school to which he happens to belong. There is more animation in his figures, there is more nerve in his attitude, there is more glow in his features, there is more grace even in his coloring, than are to be found in the best productions of his associate artists. We have lately heard and read much of what are called, in the newspaper cant of the day, a republican majority and a republican minority; of republican majority men, and republican minority men. The gentleman, probably, wishes to be considered as the "champion" and leader of the majority, composed of profound statesmen and logicians, while the minority consists of mere painters and declamatory orators. Be it so. Yet I would not insure, at the rate of ten guineas per cent., which we are told is the price of insurance of American property in London, since the publication of the famous imperial decree, the final triumph of the school of logicians over that of painters.

But I did not arrogate to myself, the distinction of a "champion of the Constitution" in the proper sense of the term. It must be within the recollection of all, that I said I was the champion of the Constitution, only as every member of the House was bound by oath to be; its defender against usurpation and unauthorized military power.

Mr. Eppes said, that, when on a former day this resolution had been before the House, he had declared himself in favor of committing it for discussion. Discussion, however, has been had in a different form. The original motion has been withdrawn, and the question is now to be taken on the resolution. He agreed, perfectly, in opinion with the gentleman from Virginia, who had said that a postponement of the resolution was, in substance, a rejection. He should vote for the postponement because he was opposed to the resolution. We have been told by a gentleman from Massachusetts—who, on this occasion, disclaims all party feelings—that the common law of England is not in force in this country; that the statute of Charles II. was not in force in this country; and that, to the penalties of this statute, the English nation owes the security of this privilege. The gentleman has enumerated the penalties of the statute, and asks whether we are less attached to this privilege than the English nation? We are not less attached to the privilege. Our mode of enforcing it is different. In England, if the writ is disobeyed, it can only be enforced by the fines and penalties of the statute of Charles II. In this country, the judge can call in the aid of the nation to enforce the law. In England, the penalties of that statute are necessary to wrest its victims from an Executive armed with prerogative and privilege. In England, the Minister, being a conservator of the peace throughout the Kingdom, may commit in any part of it. In this country, no man can be legally committed, or detained in custody, but by the civil authority. The penalties of the statute of Charles II. never were in force in the Commonwealth of Virginia. The judge is subject, as under the Constitution of the United States, to the action of the party—to impeachment and removal. Mr. E. said he agreed with the gentleman from Massachusetts in another point, viz: "That the common law of England 'was not in force in this country, except so far as 'it has been adopted by the Constitution and laws 'of the United States, or of the individual States." He, for one, when brought in jeopardy, would never consent to look for his rights either in the immemorial usage and custom of England or in its statute book. He would appeal to the Constitution and laws of his country, and by them alone would he be tried. If, by them alone, without the aid of the English law, this right was not sufficiently secured to the citizen, he should be willing to make any additional legal provisions that were necessary. The privilege of the writ of habeas corpus is as well secured as any other right, under the Constitution of the United States. Freedom of speech, freedom of the press, freedom of conscience, trial by jury, stand all on the same foundation. The Constitution secures these rights to the citizen, and judges, who ought to be honest, are appointed to protect them. If we are not secure in this right, where, he asked, do gentlemen find the security for any other? Can law render more secure a right derived from the Constitution? Or, can it be necessary to place this right, important as it is, on a different basis from other rights equally dear to the American people, and essential to the existence of a free government? The security for this right is ample, if your judges are honest and independent. The penalties of the statute of Charles II. could only add a pecuniary fine to removal from office; as he apprehended no judge could be suffered to disgrace our bench after being subjected to pecuniary fine for denying to a citizen a Constitutional right which he is sworn to support.

The recent occurrences at Orleans, have been principally relied on to show the necessity of additional provisions for securing this right. Even on this occasion, however, there was no want of power to enforce the writ. The writ was obeyed, the reason of the detention of the persons returned, and the return accepted by the court. He agreed, perfectly, in opinion with the gentleman who thought all the civil officers of the Territory implicated in these transactions. They must certainly have had the same ideas of the public danger with the Commander-in-chief, and either approved of, or connived at the seizure and shipment of these persons. It is impossible that such an act of power could have been exercised in any part of the United States, without the approbation of the civil authority of the State or Territory. The only instance in which the writ of habeas corpus was disobeyed, was at Charleston. In this instance, it is justified by the principle of the gentleman from Virginia.

[Here Mr. J. Randolph interrupted Mr. E., and said he had not justified the act.]

Mr. Eppes continued.—If the gentleman from Virginia will have patience, he will understand correctly how far it is supposed he has justified this refusal of the officer at Charleston. He understood the gentleman from Virginia as saying that an inferior officer was bound to obey his superior. The case of Captain Murray had been cited. In that instance, the law was violated, and Captain Murray reimbursed the damages sustained by him, on the ground of his having obeyed his instructions.

Mr. J. Randolph explained. He said he would ask the gentleman if, because an inferior officer, the commander of a frigate for instance, is justified in obeying the orders of the President touching the construction of an elaborate law, which he can scarcely be presumed capable of expounding, it followed that an inferior officer was to be justified in every possible case, in obeying the orders of a superior commander, from any other motive than that of self-preservation, in which case he ceases to be a rational being? Does he mean to say, that, if the officer of a ship of war, is justifiable in obeying the President in a particular and minor instance, he would be justified in obeying such orders to elevate him to a Dictatorship?

Mr. Eppes, in continuation, observed, that he had no wish, and certainly he could have no interest in misstating the ideas of the gentleman from Virginia. He considered the two cases, however, as varying only in this: In the case of Captain Murray, the right of property only had been violated; in the other, the personal right of the citizen. Both acts were illegal. Both were a violation of rights secured by the Constitution and laws. Mr. E., however, thought that gentlemen had mistaken the proposed remedy for such a violation of the right of the citizen. No habeas corpus law could guard against a case where a citizen was kidnapped, and conveyed out of the jurisdiction of a court. A law to operate not on the military only, but on every person who should, without legal authority, arrest, or convey from his residence a citizen of the United States, would be better calculated to embrace such a case. Mr. E. said that, having on a former occasion delivered his sentiments on this subject, he should not again have troubled the House, but from a wish it should be clearly understood that he did not mean to avoid any portion of his responsibility by voting for the postponement instead of a rejection of the resolution.

Mr D. R. WILLIAMS called for the yeas and nays.

Mr. J. CLAY said, before the question was taken, he would mention one or two points that went to show the necessity of a reference. He understood that one of the persons arrested by General Wilkinson had been landed on an island near Charleston, and, on the issuing a writ, the officer had refused to obey it. He would ask whether this was not a violation of the writ of habeas corpus that required a remedy by law? Mr. C. said he always viewed it as a matter of regret, that questions of this kind should be taken up on party ground. He considered such a suggestion, on the present occasion, as a mere trap to get a few votes. They were told of the dark times when alien and sedition laws were passed. If, however, under the alien law, men might be deported, gentlemen should recollect that it was according to law—that there was an express statute that justified the meaasure. Mr. C. said he considered the kidnapping alluded to by gentlemen as a gross violation of the habeas corpus, and would be glad to know whether sending a man to Baltimore from Orleans, was not as gross a violation of principle as sending him from this place to Orleans? Mr. C. concluded by observing that he considered it a very unfortunate thing for any gentleman of talents to be educated at the bar. So many distinctions were there taken, that a man of his plain mind could scarcely see anything. He should, however, adhere to the Constitution, and would ask whether a military arrest was not a gross violation of it; and whether there ought not to be some exemplary punishment to guard against it?

Mr. ELMER said he should vote for the postponement of the resolution. It had been under discussion for three days, and he did not perceive they were nearer a result than on the first day. Was it discreet to refer this resolution to a select committee, when it was manifest they could not go through the business without neglecting important business already before them? He should also vote for the postponement, as, although three days had been taken up in the discussion, he had not heard any one gentleman urge a single reason to show the necessity of any additional provisions. This very transaction, he believed, would ultimately turn out beneficial to the United States, notwithstanding the arts of ambitious men. It would display such a striking regard of the people to the Government of their choice, as to prevent any like attempts in future. Mr. E. said he did not know whether General Wilkinson was a conspirator, but in this case he did not see that the Constitution had been so flagrantly violated. Take the case of a conspiracy against the Constitution, to level and destroy the Constitution altogether, and directed towards the garrison which General Wilkinson commanded, in a remote part part of the United States, and distant from any strength to support him. If we consider the question in this view, that the lives and property of the citizens were at stake, and even the judges engaged with the conspirators, was it improper to take up these men and send them to a place where they could be impartially tried? Let gentlemen, said Mr. E., pass as sanguinary laws as they please, if I considered the judges concerned, and were satisfied there were conspirators within, I would arrest them, though death were the consequence, and I am persuaded every officer faithful to his trust, would do the same thing. I admit that in all cases, except of the greatest emergency the military ought to give way to the civil power. With regard, however, to what gentlemen call the audacity of sending these people here, in the face of the Legislative body, I confess I entertain a different opinion. In cases of military arrest, I am most afraid of secrecy. Does not publicity, as far as it goes, show a good conscience? Does it not show the wish of the Commander-in-chief that his conduct should be examined in the face of the nation, conscious that, on a full examination, he will appear to have acted as a good officer and an honest man? As I have said before, I do not know that he is honest. I know that he has been charged with being a conspirator, but on this point we have no proof before us.

In the circumstances I have mentioned, it would be the duty of a man to violate the law, and no penalties ought to prevent him. I shall always think it better for one or two men to suffer than the whole nation; and rather to authorize the violation of one part of the Constitution, than permit the whole to be overthrown. Let gentlemen put the case of the judges being concerned in this plot, and of a great army coming down, and the effects which might have flowed from not arresting these men. Could the Commander-in-chief have been justified? If he has excited unnecessary alarm, and arrested individuals on light and improper grounds, let him suffer. In this case it appears that he had the judges on his side. What better could he do to answer the purpose of justice than to send these people to the seat of Government? A circumstance that may turn out highly advantageous to the accused.

Unless this temporary violation of the Constitution be authorized in a case of extreme necessity, the Constitution might be trampled on, and our liberties destroyed; and civil war ensue. Suppose Burr had overcome Wilkinson? What then would have been the avail of your writ of habeas corpus? It would not have been of the least consequence.

Considering all circumstances, I coincide with the gentleman from Virginia in one point. I would make a sweep of all the officers of the Territory of Orleans, so that there should be no difference between the governors and the governed. I believe the disaffection that exists there is confined to a few, who wish to raise a clamor for personal purposes. Still, for the reasons I have mentioned, I would make a general sweep.

Mr. Sloan.—Nothing but imperious necessity can justify a member rising at so late an hour of the day. I promise the House, however, not to take up much of their time. Allusions and insinuations have been made throughout the whole of his speech by the gentleman from Virginia, against the Commander-in-chief of the army of the United States. He has indeed insinuated a belief that he has been concerned in a treasonable combination for some time past. Admit, for a moment, that this is the case; and then let me ask whether there is not cause to rejoice, that he has in this instance deserted his party; let me ask, if in this case it was not in his power, to have carried on a treasonable conspiracy to the ruin of his country? Again, what use is there in throwing out such aspersions, against a man who is not here to defend himself. The whole subject is reduced to this point. Was there sufficient cause to justify General Wilkinson in the measures taken by him? I deem it my duty to show the House the inconsistency of the gentleman who has thrown out these insinuations. I shall, therefore, from his own speeches, show that he once thought this a matter of considerable magnitude.

Here are the expressions as given by the stenographer.

1st. Speaking of the conduct of Spain—

"It appears indeed that she never has lost sight of this object; and I believe she never will lose sight of it so long as she shall find material to work upon, or a shadow of hope that she will succeed. It appears to me that she has found those materials; that they are of the most dangerous nature: that they are now in operation, and that perhaps, at this moment, while I am addressing you, at least for a time, the fate of the Western country may have been decided."

2d. "Is there a man in this House who at this day doubts, that if the Government—I mean the Executive and Legislature—had taken a manly and decisive attitude towards Spain; and, instead of pen, ink, and paper, had given men and arms; is there a man who disbelieves that not only Spain would have been overawed, but that those domestic traitors would also have been intimidated and overawed, whose plans threaten to be so dangerous?"

3d. "A spectator not in the habit of reading our public prints, or of conversing with individuals out of doors, but who should draw his ideas of the situation of the country from the proceedings of this House during the present session, would be led to infer that there never existed in any nation a greater degree of peace, tranquillity, or union, at home or abroad, than in the United States at this time; and yet what is the fact? That the United States are not only threatened with external war, but with conspiracies and treasons, the more alarming from their not being defined. And yet we sit and adjourn, adjourn and sit, take things as school boys, do as we are bid, and ask no questions."

[Mr. Quincy asked whether it was proper to read the speeches of a gentleman as given by a stenographer—a member may refer to them on his own recollection.

[The Speaker said he was of opinion the gentleman from New Jersey was in order.]

Mr. Sloan proceeded.

4th. "I again invite the House to draw a proper inference from the indecent, insulting, outrageous demeanor of the Minister of Spain. I did understand that he was to have been deported—shipped off; on the contrary I find him still here; and is not the inference of my friend from Pennsylvania irresistible, that, considering the crowd of memorials presented by him to the Government in the case of Miranda, and that no remonstrance has been made against this pretended expedition against Mexico, that he is acquainted with it; that he knows it is ostensibly for Mexico, but really for Orleans, for the severance of the Union."

5th. "Some gentlemen make extremely light of this conspiracy; I cannot, however, conceive how a man in a state of ignorance respecting its nature or extent can make light of it. The very circumstance of not knowing the extent of danger, has a tendency to magnify it beyond its natural size. But there is one fact, which has come so direct, that it cannot be doubted. I believe it will altogether depend upon the circumstance of the conspirators getting to Baton Rouge before the troops of the United States arrive there, whether New Orleans shall fall; and the waters of the Red river are so low, that we cannot decide when our troops will arrive; they will get possession of the ordnance, and nothing can prevent the reduction of Orleans but a pitched battle."

6th. "If I could triumph at the calamitous situation of my country, there is ample cause indeed for triumph."

7th. "No sir, I cannot take a retrospect of the past without feeling a degree of conscious pride that my aid was not given, that I had no hand in the acts of commission or omission that have brought us to this deplorable state of things."

8th. "I believe the militia as adequate to the protection of New Orleans, as the Cape of Good Hope; and after paying fifteen millions for the Mississippi and its delta, shall we be so penurious as not to defend this important point, this key to our stong box?"

9th. "But I cannot draw so favorable an inference of the public sentiment in any country, when I see a most extraordinary and ramified combination, composed of the most leading characters, and the most flaming patriots too, for the express purpose of severing the Union."

10th. "I do not conceive it to be a thing of yesterday; but an affair of long standing. Look back to the times when the character implicated in this conspiracy first began to move in that country. It was at least contemporaneous with the disappointment of his ambition."

Contrast the foregoing with that member's declaration in the debate upon the suspension of the habeas corpus, wherein he asserted that Burr's conduct did not merit the name of a conspiracy, it was only a trifling intrigue, that might have been suppressed by the militia of a county, and then in his own language let me ask, "Will logic of this kind go down with the House, or the nation?"

Mr. KELLY said the manner in which the subject had been discussed by many gentlemen, could not fail to excite sensations of an unpleasant nature. Observations were made which had no relation to the question, tending only to destroy that harmony and good understanding that ought to prevail among the members of the House. He said he had not been consulted on the propriety of introducing the resolution under consideration, but if he had, it must have met his approbation. As the subject was interesting, and calculated to secure from its importance a full and dispassionate investigation, there was no reasonable ground to conclude that the friends of the measure would be charged with unworthy motives, or that gentlemen would so far forget the dignity of their station as to indulge in invective, tending to destroy that unanimity which the present prospect of public affairs, and the interest of our common country, imperiously required. Mr. K. said, as this mode of treating the subject had been already sufficiently exposed by the gentlemen who had gone before him, he would waive further observations on that score, and proceed to what he considered the real merits of the question then under discussion.

Mr. K. said, from the observations which had been made by many gentlemen, a bystander might conclude that the present was an inquiry into the conduct of General Wilkinson, at New Orleans, and the legality of the arrests which had been made there, as well as into the degree of guilt which attached to the several prisoners.

One gentleman from Massachusetts, (Mr. BIDWELL,) had gone so far as to say it was too late in the session to inquire into the transactions at Orleans, as the evidence could not now be obtained; for his part he left out of consideration everything of this nature as foreign to the subject: the prisoners were to stand trial before a proper tribunal, competent to inquire, and do impartial justice, he would therefore give no opinion respecting their merit or demerit, nor would he undertake to censure or approve of the conduct of the Commander-in-chief, as the circumstances under which he acted were not fully known; and if, on investigation before a proper tribunal, that officer could justify his conduct, and show that the exigency of the times, and the safety of our country demanded the measures he adopted, no man in the House or the community at large would rejoice more than himself at so honorable a result, because he considered it of the utmost importance to the safety of the nation, that those who held high and responsible situations should execute their trusts in a manner so dignified and honorable as to avoid suspicion and command respect. It had been said by a gentleman from Virginia, (Mr. EPPES,) that the movers of this measure envied the happiness which the people of this country enjoyed, and were sorry that a conspiracy, the ramifications of which were so extensive, was likely to be checked by the vigilance of our Government; he trusted a conduct so profligate could not be ascribed to any gentleman on that floor; for his own part, he said, his conduct and votes bore testimony against so unfounded a charge.

He never counteracted the views of the Executive, by withholding his vote when required, for supplies necessary for carrying into effect the views of the Government. When money for defence or any other purpose had been required by the Executive, it had always the aid of his vote; and he had withheld when the Executive did not recommend.

But is it necessary to inquire whether any provision ought to be made by law to secure the privilege of the writ of habeas corpus in cases of arrest under the authority of the United States? One gentleman, from Tennessee (Mr. G. W. CAMPBELL) has said, that there is no need of farther provision, and has called on gentlemen to show wherein the existing provisions are defective. A gentleman from Virginia (Mr. JACKSON) has said, that it would be narrowing the powers of the court and judges to pass a law on the subject, their powers are so extensive under the Constitution.

In order to obtain a right understanding of the subject, it is necessary to inquire how this inestimable privilege was secured to the subjects of Great Britain by Magna Charta, the great charter of their privileges, which was extorted sword in hand by the Lords and Barons, from King John at Runnymede, and how far the privilege thus secured, was made more effectual by the statute of Charles II., which was called the second great charter of their liberties. This writ of *habeas corpus ad subjiciendum*, which was secured by this charter, became a writ of right, not less secured to the subjects of that kingdom than the same is secured to our citizens by our Constitution.

We are informed by Sir William Blackstone, in his famous commentaries on the English law, that the inestimable privilege of the writ of habeas corpus was of early date in Great Britain, almost coeval with the first rudiments of their Constitution. The liberty of the subject could not be abridged in any case without special permission of law, although sometimes impaired by the usurpation of princes and the ferocity of particular times. It was, however, established on the firmest basis by the provisions of Magna Charta, and a long succession of statutes under Edward III., and was recognised by the Crown in several after reigns. And it will hardly be contended that this privilege is better secured to the citizens of the United States by our Constitution, than the same was secured to the subjects of the British Crown by the provisions of Magna Charta. Yet abuses had crept into daily practice in England, which had in a great measure defeated this great Constitutional remedy. The flagrant abuse of power by the Crown, generally, produced a struggle which discovered the exercise of that power to be contrary to law, or restrained it for the future. An obscure individual gave birth to the famous habeas corpus act in the reign of Charles II., which was justly called another Magna Charta of the kingdom. Francis Jenkes was committed by the Council Board for a turbulent speech made at a common hall assembled at Guildhall, for the purpose of choosing officers. He applied to the then Lord Chief Justice Kaimsford for a habeas corpus, who alleged that he could not grant the writ in vacation. The friends of the prisoner afterwards applied to the Lord Chancellor, who said the King would not grant it without a petition; application was afterwards made to the court of quarter sessions to have him bailed; the court said, there was no such name in the calender; upon application to the jailor, he said he never returned any man committed by the Council Board. When a copy of the commitment was obtained, the jailor evaded making proof of it by going away, as was believed with the privity of the court; at length the commitment being established, the court doubted their power to act, when the Lord Chief Justice and Lord Chancellor had refused, the court took time to consider of the application until next term. A petition was afterwards presented to the Lord Chancellor, who also took further time to consider; at length the Lord Chief Justice, upon the matter being suggested to the King, issued a habeas corpus, and the prisoner was discharged. To prevent similar abuses in future was the famous habeas corpus act passed, which regulated the mode of proceeding upon writs of habeas corpus, and fully insured its benefits and provisions to the subject.

The several courts were designated, who were authorized and enjoined to issue the writ, and the power extended to certain judges out of term time. The jailor was bound in a given space of time to furnish a copy of the commitment, under penalty; the court, or judge, to make the writ returnable as soon as the distance of the party to be brought up would admit, under severe penalty; provision was made that the party should not be removed from place to place to evade the writ; that he should not be transported, &c. Many provisions were made to insure the full effect of the privilege of the writ, and that the prisoner, on hearing of his case, might be discharged, admitted to bail, or remanded to prison, according to law and the nature of his crime, thereby conforming the proceedings on this writ to the true standard of law and liberty. It has been said on this floor, that the provisions of this statute extend to this country, and the courts are bound to obey them. This doctrine can never be advanced by any gentleman understanding the subject. Some of its provisions may be adopted by practice, but no gentleman will seriously contend that the penalties under that statute would be inflicted here without a positive law to put them in force. If, then, it was necessary, in England, to secure by statute the great Constitutional privilege of the subject against illegal imprisonments at the instance of the Crown, surely, in this land of liberty, the reason holds with equal force; and that a law regulating the proceedings on this writ in courts of the United States is necessary, must strike every mind present with irresistible force, when we see the highest and most respectable tribunal in the United States hearing counsel several days in order to ascertain their powers to issue the writ in the cases now pending before them. A gentleman from Virginia (Mr. Eppes) says, that the Constitution has secured the right of the writ of habeas corpus, and in the same manner has secured the trial by jury. The gentleman could not have stated a stronger case to prove the necessity of a law to regulate the proceedings under the writ. What good purpose could the guarantee of the trial by jury answer to the citizens of this country if there was no law constituting and organizing courts, and regulating the manner in which the trials shall be had? Without this, the provision in the Constitution would be unavailing, and a dead letter. To designate the courts who shall have power to issue the writ, and clearly to regulate the proceedings thereon and secure its salutary effects, is the object of the present resolution. Under every view of the subject the reasons for a law of the United States securing the privilege of the writ of *habeas corpus ad subjiciendum*, were strong and unanswerable. He therefore hoped the question would not be postponed, but the subject might go to a select committee, who would have sufficient time to report a bill giving full efficacy to the writ of habeas corpus, in order to secure the liberty of our citizens, and prevent abuse in future.

Mr. J. Randolph.—When you recollect, Mr. Speaker, the seriousness of the charge preferred against me by a member of this House, and the high quarter whence that charge comes, you may, perhaps, wonder at my audacity in daring again to address you. It is, indeed, a charge of a most serious nature; and made, too, by no ordinary person, by a gentleman who acts a most conspicuous part on this floor, a leading member of the majority of the House, and such as really makes me afraid that I shall be considered as pleading guilty, if I say nothing; for how can I venture to go home, and meet my constituents after having been denounced by such high authority. Upon my soul, sir, I am so much affected by the danger of my situation, and the peculiar circumstances of the case, that I can scarcely go on with my remarks. But it is necessary for me to state, not merely for the information of the House, but likewise for the good people of the United States, that against all the reports of the speeches ascribed to me for twelve months passed, I protest. I protest as much against them as against certain other reports of speeches delivered on this floor. On this occasion, as the gentleman has seen fit to read a part of those speeches, I presume they will have the honor of passing to a new edition. But it will be my misfortune that the people who shall read them will not have the advantage of the members of this House; that they will not have a fac simile of their delivery; and that, what they have suffered from the inaccuracy of the reporter will not be made up by the accuracy of their recollection.

[The Reporter would be wanting in that duty which he owes to himself and to truth, not to notice *this protest.* In his turn, *he protests*, that so far as respects the reports given by him, they have been invariably impartial, and, as he believes, in all respects substantially correct. In the discharge of this branch of duty, he feels a pride in having, in no instance whatever, felt either personal or party bias, and a high satisfaction in the conviction that every man who knows him will attest the correctness of this declaration. So much for this protest generally. Considered as applicable to the particular speech delivered by Mr. RANDOLPH, and quoted by Mr. SLOAN, the Reporter has the same confidence in its correctness as to every important sentiment advanced by the speaker—a confidence, which, if it needed confirmation, has been amply confirmed by the unsolicited assurances of many members of the House of Representatives, of all parties, that it was as accurate a report of a speech as they had ever seen.]

Mr. NEWTON said, he wished to amend the resolution, by inserting the word "appellate," before the word "power."

The SPEAKER said, the resolution could not be amended while a motion for indefinite postponement was depending.

The question on indefinite postponement was then taken by yeas and nays, and carried—yeas 60, nays 58, as follows:

YEAS—Willis Alston, jr., Isaac Anderson, David Bard, Joseph Barker, Barnabas Bidwell, John Blake, jr., Thomas Blount, Robert Brown, John Chandler, Frederick Conrad, Orchard Cook, Leonard Covington, Richard Cutts, Ezra Darby, Elias Earle, Peter Early, Ebenezer Elmer, John W. Eppes, William Findley, James Fisk, Peterson Goodwyn, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, William Helms, James Holland, John G. Jackson, John Lambert, Duncan MacFarland, Patrick Magruder, Josiah Masters, William M'Creery, Nicholas R. Moore, Jeremiah Morrow, Gurdon S. Mumford, John Porter, John Pugh, John Rhea of Tennessee, Peter Sailly, Martin G. Schuneman, Ebenezer Seaver, James Sloan, Dennis Smelt, John Smilie, Samuel Smith, Henry Southard, Joseph Stanton, David Thomas, Uri Tracy, Philip Van Cortlandt, Joseph B. Varnum, Daniel C. Verplanck, Matthew Walton, John Whitehill, Robert Whitehill, Eliphalet Wickes, Nathan Williams, Joseph Winston, and Thomas Wynns.

NAYS—Evan Alexander, John Archer, Burwell Basset, George M. Bedinger, Silas Betton, William W. Bibb, James M. Broom, William A. Burwell, Martin Chittenden, John Claiborne, Samuel W. Dana, John Davenport, jr., James Elliot, Caleb Ellis, William Ely, James M. Garnett, Charles Goldsborough, Edwin Gray, Seth Hastings, David Holmes, David Hough, Walter Jones, James Kelly, Thomas Kenan, Joseph Lewis, jr., Henry W. Livingston, Edward Lloyd, Matthew Lyon, Robert Marion, David Meriwether, Thomas Moore, John Morrow, Jonathan O. Mosely, Jeremiah Nelson, Roger Nelson, Thomas Newton, jr., Josiah Quincy, John Randolph, Thomas M. Randolph, John Rea of Pennsylvania, Jacob Richards, John Russell, Thomas Sammons, Thomas Sandford, John Smith, Richard Stanford, William Stedman, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, Philip R. Thompson, Thomas W. Thompson, Abram Trigg, Killian K. Van Rensselaer, Peleg Wadsworth, David R. Williams, Marmaduke Williams and Alexander Wilson.

FRIDAY, February 20.

Mr. HOLMES from the Committee of Claims, presented a bill for the relief of Isaac Briggs; which was read twice and committed to a Committee of the Whole to-morrow.

Mr. PARKE presented to the House a petition of sundry inhabitants of the Indiana Territory, which was received and read, praying the division of the said Territory into two separate Governments.—Referred to Mr. PARKE, Mr. VARNUM, Mr. ALSTON, Mr. KELLY, Mr. SANDFORD, Mr. JEREMIAH MORROW, and Mr. PHILIP R. THOMPSON; to examine and report their opinion thereupon to the House.

Mr. PARKE presented to the House a petition of sundry inhabitants of Randolph county, in the Indiana Territory, which was received and read, in opposition to a division of the said Territory into two separate governments.

Ordered, That the said petition be referred to the committee last appointed.

Mr. GREGG presented to the House a petition of sundry officers who served in the British army, during the war between France and Great Britain, in America, which commenced in the year one thousand seven hundred and fifty-five, which was received and read, praying to be confirmed in their respective titles to certain lands, granted by the King of Great Britain, in consideration of military services rendered the American Colonies, during the said war.—Referred to the Committee of the whole House to whom was committed, on the third instant, the report of the Committee on the Public Lands on the petition of sundry officers who served in America, during the war between France and Great Britain.

Mr. ROGER NELSON, from the committee appointed on the nineteenth instant, presented a bill for the relief of Rinaldo Johnson; which was read twice and committed to a Committee of the Whole on Monday next.

The House resolved itself into a Committee of the Whole on the bill respecting claims to land in the Territories of Orleans and Louisiana. The bill was reported with several amendments thereto; which were severally twice read, and agreed to by the House.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time to-morrow.

The House resolved itself into a Committee of the Whole on the bill for the relief of Daniel S. Dexter. The bill was reported without amendment, and ordered to be engrossed and read the third time to-morrow.

The House proceeded to consider the amendments reported from the Committee of the Whole on the twenty-first ultimo, to the bill supplementary to the act, entitled "An act regulating the grants of land appropriated for the refugees from the British provinces of Canada and Nova Scotia," and agreed to some, and disagreed to others, of the said amendments.

Ordered, That the said bill, with the amendments agreed to, be engrossed, and read the third time to morrow.

On motion of Mr. Thomas,

Ordered, That the second resolution contained in the report of the Committee of the Whole, of the twenty-third ultimo, together with the Message of the President of the United States, of the tenth instant, in relation to the efficacy of gunboats for the defence of harbors, be referred to the Committee of the Whole House to whom was committed, on the seventh instant, the bill for fortifying the ports and harbors of the United States

A bill received from the Senate to punish frauds committed on the Bank of the United States, was considered in Committee of the Whole, and agreed to. It punishes forgery with confinement to hard labor, not less than three nor more than ten years, or with imprisonment, not more than ten years, and fine not exceeding $5,000. The bill, after being engrossed, was read the third time and passed.

A long debate took place, first in Committee of the Whole, and afterwards in the House, on the report of the Committee of Claims on the memorial of Oliver Pollock. The report allows a part of the petitioner's claims. Mr. M. Clay was the principal opponent, and Messrs. Tallmadge and Gregg the advocates of the report, which was agreed to, ayes 74; and ordered that a bill be prepared by the Committee of Claims.

Mr. Newton, from a select committee, reported a bill supplementary to the act on the Navy Peace Establishment. It authorizes the President of the United States to employ an additional number of seamen, should the public exigencies require it. Read twice and referred to a Committee of the Whole to-morrow.

LEWIS AND CLARKE.

The House resumed the consideration of the unfinished business of Monday last, on the bill making compensation to Messrs. Lewis, Clarke, and their companions.

The bill grants land warrants, which may be either located or received at the land offices in payment of debts due there, at the rate of two dollars per acre. The bill grants these persons 24,960 acres.

A motion was made by Mr. Lyon to strike out so much as permits the receipt of these warrants at the land offices in payment of debts. This was opposed by Mr. Alston and supported by Messrs. Tallmadge, J. Clay, Quincy, Cook, Lyon, Ely, and D. R. Williams. It was contended that double pay was a liberal compensation, and that this grant was extravagant and beyond all former precedent. It was equivalent to taking more than $60,000 out of the Treasury, and might be perhaps three or four times that sum, as the grantees might go over all the Western country and locate their warrants on the best land, in 160 acre lots.

A motion to recommit the bill was made, and, after considerable debate, was carried—ayes 66.

The House proceeded to consider the motion of Mr. Joseph Clay, made yesterday, to add to the standing rules and orders of the House, and made some progress therein: when, an adjournment being called for, the House adjourned.

Saturday, February 21.

An engrossed bill supplementary to the act, entitled "An act regulating the grants of land appropriated for the refugees from the British provinces of Canada and Nova Scotia," was read the third time and passed.

An engrossed bill respecting claims to land in the Territories of Orleans and Louisiana was read the third time and passed.

An engrossed bill for the relief of Daniel S. Dexter was read the third time and passed.

Mr. Holmes, from the Committee of Claims, presented a bill for the relief of Oliver Pollock; which was read twice and committed to a Committee of the Whole to morrow.

The House resumed the consideration of the motion depending yesterday at the time of adjournment, to add to the standing rules and orders of the House: Whereupon, the farther consideration of the said motion was postponed indefinitely.

NATIONAL DEFENCE.

The House resolved itself into a Committee of the Whole on the bill making an appropriation for the further protection of the ports and harbors of the United States.

The first section of the bill appropriates "twenty thousand dollars" to this object.

The sum was struck out.

Mr. Cook moved to fill the blank with the sum of $300,000, and in support of his motion spoke as follows:

Mr. Chairman: When on a former occasion I proposed to appropriate one million of dollars for the purpose of fortifying the ports and harbors of this nation, my design was to propose a permanent and general appropriation, instead of the temporary annual grants hitherto made, and which are by many considered as little less than a waste of public money; such grants not affording to the engineer the means to perfect a plan of sufficient boldness for our great and rapidly growing nation. Reflection and the discussions in this House have confirmed me in that opinion. I am convinced it would be the most proper mode of conducting a liberal system of defence for our country, and by far more economical than by partial and yearly grants. The probable expense of fortifying the port of New York has been estimated at $320,000; and I ask, sir, if that single object shall consume that sum, will $780,000 be too large a sum to apportion among all our numerous ports from Saint Croix to Saint Mary's, and onward to the southern extremity of our newly acquired territory? Can it be believed that the one-thirteenth part of the annual revenue on impost and tonnage is too heavy a sum to be taken from an overflowing Treasury for the important object of securing for centuries to come our numerous cities containing wealth beyond calculation? Is this sum more than sufficient to afford works of durable materials, and so permanently built as our lasting interest would direct. However, with a view to meet the wishes of other gentlemen, a smaller sum is now proposed, which I hope will prevail.

Sir, in replying to novel opinions, it is not my intent to impeach any gentleman's motives, patriotism, or bravery. I shall impugn arguments and not persons. Indeed, I should think myself guilty of defrauding the nation were I to waste their time in those personalities and unmerited invectives, which are strong points with some gentlemen, and very improperly permitted in this House. To induce this House to apply but a small annual sum for the object before us, we have heard it predicated of fortifications, that they are worse than useless; and of cities, that they are untenable and unworthy of defence. Were it not intuitively seen that cities are defensible and worthy of such defence, the doubting, if they be not reason-proof, may be syllogistically convinced.

Thus, we might say, what costs most labor is most valuable; cities cost most labor, therefore are cities most valuable. What is most valuable is most worthy of defence. Cities are most valuable, therefore are cities most worthy of defence. But not to go farther into proving self-evident positions, who can be silent when measures of injustice, degradation, and extreme calamity, are thus recommended for our adoption? Are not the minds of the just, the liberal, and the brave, revolted at the measures proposed? Is not this doctrine of *runawayism* abhorrent to all our just and social feelings, and to those inestimable feelings which gave us the country we are bound to defend? A new and untried mode of warfare is now urged upon us—a plan no less divergent from reason or plausibility of result than it is from example or experience. Sir, I do not feel disposed that we should risk our all on a project so unpromising. It might suit a savage or an extremely barbarous nation, and would readily be adopted as statute law in Hayti. But Heaven forbid it should ever find advocates in this or any other polished or civilized nation.

Surely it would require the eloquence of a Curran to present you a picturesque and glowing description of all the horrors consequent upon an assailing foe on a defenceless, populous, and devoted city. The mind is painfully affected with the bare imagination of a retreating multitude of ruined forlorn fugitives, despoiled of all the fond objects which has fastened them to life—a countless number of every age, sex, and condition, interspersed with the lame, blind, halt, and withered, crowding to the country so numerously that the very ground might be supposed to groan beneath the weight, and rebuke the folly and madness of the despairing multitude. This monstrous doctrine of abandoning cities, navies, gunboats, and millions, to sack, pillage, and conflagration, at the mere sight of an enemy, and of retreating to forests, to dens, to caverns of the earth, is unwarranted by examples in the ancient, dark, or modern ages. Indeed, sir, with the ancients, the city was the *sine qua non* of national existence. When Troy fell we hear no more of the Trojans, and the Carthegenians lost their name under the ruins of their city. In those days each city was defended as a Thermopylæ. Modern tactics support a doctrine equally brave and politic—hence the propriety, even under our late Fabian commander, of the battles of Brandywine and Charlestown. Nor has Great Britain, although surrounded by floating castles, omitted strongly to fortify against a threatened invasion.

Mr. Chairman, if the slaves of a despot, or the subjects of a King, compelled to fight for rights not their own; if they defend the abattis of their forts, and bravely meet their foes at the parapet, shall we less valorously protect our dwellings, our property, our families, and our holy and sacred right of self-government? Justly to appreciate our happy Government, we should consider it what indeed I think it is, the only solitary one on earth, founded on the will and interest of the governed. For all others, either in a greater or lesser degree, partake of force, fraud, or superstition. We are also acting as proxies for posterity, and on us are fixed the eyes and the hopes of the friends of long insulted humanity. Shall we not act unwisely in the extreme if we lose our treasure, permit our strong boxes to be rifled, the emporiums of our wealth invaded, by withholding the trivial expense of a lock? None can deny, I think, that by such timid parsimony, we may be suddenly and easily subdued by a conqueror, whose fancy may lead him to act like Charles XII., and send his boot as his deputy to rule the conscript fathers of this land.

I conceive it to be as conformable to the dictates of interest and policy, as it is to those of justice and socialness, that the enemy should be met at the water's edge, and will not gentlemen from the interior consider that the scene of pillage and war would be thus, happily for them, far removed from their peaceful mansions and possessions? Should a different mode of resistance be adopted, what sum of money is proposed for erecting asylums in the internal country; and what positions are to be selected for a retreating multitude? Immense sums would be expended—labyrinths as extensive as that of Egypt will be found necessary to hide all but your active warriors. Such retreats would be found to be indispensable—your hospitality would soon be exhausted—added to which consideration, the fugitives would be dolesome companions to the projectors of wretchedness and misery.

As I verily believe that a defenceless state necessarily leads to a subjugated state, a sense of duty which I owe to myself, to my country, and to futurity, obliges me to expose the fallacy of such dangerous propositions. I do most seriously and heartily detest and abhor royalty, and the doctrine of the many made for the few, or the many made for one. It is for this cause that I would defend our republican rights against any and every assailant. Profuse expenditures, which generate heavy burdens on the people, are ever to be avoided; but is it not possible to verge to the opposite, though equally dangerous extreme? We should carefully shun the rock Scylla, but should we less cautiously avoid the vortex of Charybdis?

Sir, forms of government, like every other human production, are imperfect. Perhaps the only weak part of democratic government is its liability to factions and extreme changes; hence we find in such governments flaming and restless zealots, who, from system, make opposition to every measure their opponents may approve. The Roman Generals adopted a different policy. The errors of the past Administration may lead us to others opposite indeed, but not less dangerous, as one extreme is too often succeeded by another.

But of gentlemen who are willing to look arguments in the face, and fairly meet them, I will ask, whether justice, good faith, or honesty, will permit them in these belligerent times to suffer our ports and harbors to remain defenceless? Justice is a cardinal virtue, and the only basis of all good government; and every Government not thus founded, is from its nature evanescent, or evidently fleeting. Sir, I will ask, if any be hardy enough to claim allegiance, and at the same time refuse protection? Will you issue decrees of disfranchisement and excommunication? Will you put citizens at the ban of the empire, and still claim of them obedience and revenue? If you should act thus unjustly, will you not drive the oppressed into rebellion? Will they not be justified in following the example of the ancient Thessalians, a people inhabiting a frontier State of Greece, who, when threatened with a Persian invasion, asked that their country should be fortified, and who, being refused, joined the invaders to subdue their own countrymen. It is an incontrovertible fact, that the minority have their rights; this will eternally remain a fact so long as force and justice are distinct. The agricultural representation is, and will remain, more numerous than that from the cities. Our interests are one, united and indivisible; and even were they not thus inseparably united, the genius of our Government forbids unequal rights. Sir, it is for the sake of safety, justice, and protection, that we associate in government—deny and refuse this, and all the uses of Government are at an end. The cities have their claims; the merchant and mariner have their rights, which we as legislators have sworn to defend, because we have sworn to support the Constitution, and that Constitution makes it our bounden duty to provide for the common defence and general warfare. Many merchants are opposed to the Administration; is it because they are not generally republicans? I hope not. Many of them, perhaps, look too singly to their own interests, and because Government does not do everything for their protection, therefore they do nothing. If they ask too much, perhaps we are willing to grant them too little.

Sir, every species of government, of whatever name, which shall not equally protect every single individual of the nation in his civil and political rights is a tyranny, and as such to be deprecated and opposed.

> "Not even the anointed hand of Heaven
> Can authorize oppression, give a law
> For lawless power, wed faith to violation,
> On reason build misrule, or justly bind
> Allegiance to injustice. Tyranny absolves all faith."

I lament that the mutualities of the different parts of this one great whole are so little attended to; that localities so much prevail over our minds. Do we to spectators appear in the sublime character of National Representatives, or do we not rather too often appear as State, district, and even parish champions? I cannot but hope yet to see the proud day when we shall become truly national; when the whole country shall appear to each as one common and equal object of attention and care; when we shall view the whole as joint stock, and as such repel every violation.

Crowned heads must be inimical to the success of our experiment of self-government, as its success goes to hurt their selfish trade of self-governing. Their forbearance is, therefore uncertain and precarious, and we should be constantly ready to repel. Should they be permitted peaceably to land their hosts of veterans, used only to the bayonet, I fear our militia would want time for seasoning, for they are not all equal to those of the division of my honorable colleague on my left; many are sadly armed and poorly equipped; in such an event a war of posts would be our only safety. Thus, sir, to a country defended by militia, fortifications are indispensable. I ask, sir, of military men who served in our Revolutionary war, could we without fortifications, now so decried, have succeeded in that war?

As a sedative we are constantly assailed with the cry of too soon, or too late, too much, or too little. Are we not immediately threatened; we are asked, why prepare? it is too soon. Are we actually threatened, insulted, and despoiled; then we are told it is quite too late, and we have no time to prepare. Is a liberal sum proposed, that is ruinous; is a small one named, it will be utterly useless. Thus I fear we shall be hushed to sleep on the verge of a precipice. To avert the evils of war, let us wisely be prepared to meet them. I trust we shall yet, by such preparation, deter all aggressors, and by our justice and bravery, inscribe our freedom on the most lasting records of Time.

Mr. Ely regretted that there was so great an unwillingness in the House to attend to the subject of fortifications and to the national defence. He lived himself in a district well protected from all attacks by land or sea, and thickly settled by able defenders of the country. It had been selected, on account of its safety, as a proper position for a public arsenal. No man was better secured than he and his constituents; and he believed that no army, let them land where they would, could penetrate to them. But was that a reason why he ought to be careless of the safety of his neighbors, and of those who might be exposed in distant parts of the Union? Mr. E. asked if other gentlemen, who felt themselves secure, would, for that reason, neglect to provide a defence for those who were more exposed.

It had been repeatedly said, that there is no imminent danger. But it is a fundamental principle of good policy to prepare for danger when we can. It is unsafe to wait until its actual approach.

In reply to the objection, that much money had been already laid out on fortifications and done no good, Mr. E. said, he had seen some of the works, and found the money well laid out, as far as it went. Let gentlemen go to Boston, and they will find it had done essential service, and in a great measure secured the place from danger.

It has been said, that fortifications cannot defend a town against a large fleet. A fleet might go into Boston harbor, with proper wind and tide; but a little more expense would render their situation so uncomfortable as to repel every idea of their coming in, since it is so extremely difficult to get out again.

Mr. E. stated at length his objections to partial and specific appropriations. He was willing to defend New York; but he thought all distinctions odious, and that the responsibility of applying whatever was voted for the purpose should rest on the President.

Mr. E. believed that the nation, after no great lapse of time, would have to defend herself against oppression. Defenceless nations invite aggression. We are wealthy. If two ships of war can come and take three or four millions from the banks of New York, it would be found very convenient in the ways and means of any nation.

It has been said that New York cannot be defended; but suitable batteries and a few frigates can certainly repel marauders. It is constantly said that ships may go into the harbor with a favorable wind and tide. Was there ever a harbor which they could not enter? But what object can they have in going if they are to get only hard knocks? They will not venture in if they anticipate a rough reception. Because a place cannot be rendered absolutely impregnable, it is not reasonable hence to contend that nothing shall be done towards its protection.

Mr. CHANDLER opposed the motion, being, as he said, against all useless appropriations. He thought $20,000 the proper sum, and was sorry the House had been induced by the eloquence of his colleague, to strike it out. The select committee, after a full examination, recommended this sum as adequate.

If the people of New York have all the fears they profess, why have they not long ago ceded the jurisdiction of the proper sites? They had not done it till lately. This does not look like being so fearful and apprehensive.

The Government had communicated their plan of defence by batteries and gunboats, and why the House had been led away from it, Mr. C. could not imagine. He was against any sum larger than $20,000.

Mr. HOLLAND declared that, if he thought fortifications would do the Government any good, he should be in favor of them; but, from the view which he had been able to take, he believed the country was now worse off than if there were no fortifications at all. If the seaport towns were fortified, and we had a small fleet, we should certainly go to war; for there is a great propensity in us to go to war against other nations, much more than in them to go to war against us. The majority of the people do not wish for war, but many, who want to get rich fast, are always wanting to go to war. I believe the state of the fortifications is fully sufficient, and that were they in a different state, war would be involved in this country. Had we the means of carrying on a war, the treasures of our neighbors, the Spanish settlements, would be an inducement to commence hostilities; they would be certainly come at by enterprising geniuses.

If New York and our other cities were only tolerably fortified, Mr. H. was confident that we should go to war. He lamented the consequences of that disposition that is for novelty in this country, a disposition that cannot be quelled. Our commercial towns are defenceless, and that is our only safety at present. I want to see not a single ship or any preparation for war. No nation is disposed to go to war with us, though other nations have borne much more insults from us than we from them.

If we had had a few ships-of-the-line, we should have been at war before now. The greatest danger we have to guard against is from ourselves, from our restless disposition. There is no danger to us from any of the nations of Europe. We are too independent, and were it not for the weakness of our cities, it would be impossible to keep out of war. Mr. H. would not vote a single cent for fortifications or a navy.

There had been a great cry of French spoliations, but when an adjustment came, they made restitution where they had violated the laws of nations. Mr. H. concluded with saying that he was wholly opposed to filling up the sum with $300,000.

Mr. DANA.—From some of the observations of the gentleman from North Carolina, (Mr. HOLLAND,) he seems to fear that fortifications on the coast will enlist the United States in a war, almost as much as the boor, in the Recruiting Officer, feared that a piece of money would enlist him in the army. Does the gentleman rate the intellects of this House so low as to imagine they will believe in the reality of any such danger? Principles of public law authorize us to establish fortifications for the protection of our maritime frontier. The whole space within the range of cannon shot from the shore, is most clearly within our territorial jurisdiction; and the efficacious maintenance of this jurisdiction is no breach of any of the duties of neutrality. Every person acquainted with the acknowledged law of nations, must know this.

It is needless to vindicate the United States from his charges, which represent us as being aggressors in the controversies with foreign Powers. Whatever other charges might be made, one thing is certain—the political sin of this country is not a disposition to war. Away with such objections.

I will not degrade my friends nor myself by a formal answer to certain observations which have been made, to excite prejudices against us. With respect to those who indulge themselves in such observations, what pretensions have they to arrogate a superiority over other members of this House? Do they claim the prerogative of controlling the freedom of our deliberations? Would they disfranchise a part of the Representatives who have been chosen by the people as fairly and as freely as they have been? Or will they refuse to adopt measures of public utility, because not proposed by themselves?

I wish systematic provision to be made for the safety of the United States; not that the country should engage in war. Let my country live in peace, without coveting military glory! but let this peace be consistent with safety, and free from infamy!

Yet I propose nothing to require additional taxation—nothing to require any new debt to be incurred; nothing to embarrass the operations of the Treasury; nothing to impair any of the public establishments; nothing to check the reduction of the public debt; nothing to require any abolition of offices, or any diminution of salaries; nothing to interfere with any authorized project of internal improvement or discovery. Your whole civil list may remain untouched. You may indulge a disposition for speculations with respect to the interior of the country, and make liberal allowance for experiments. In addition to the official estimates for contingencies, and for all ordinary expenditures, you may reserve, if you will, half a million of dollars to be wasted at pleasure. After drawing from the Treasury an ample sum for all such expenses, let the surplus be applied to the great purpose of national preservation.

I could wish a larger sum, than is now in question, to be appropriated for the fortifying of our ports and harbors. I wish not merely an appropriation to repair such works as have been constructed and left to decay, but an appropriation made with a view to constructing durable works, in pursuance of a well arranged system of defence. A liberal appropriation for the current year, half a million or a million of dollars, would announce to the President of the United States the scale upon which the plan of fortifications ought to be undertaken. In this case the foundation might be well laid for permanent means of defence; and correspondent appropriations to be subsequently made, would provide for the regular completion of the system.

If there be only a small sum appropriated, the works may not be well commenced, or, perhaps, nothing will be done for any of the Atlantic States, except making some repairs. Would this be due to them? If a liberal appropriation be made, and should not all be wanted within the year, still it will be attended with the advantage of assuring to the Executive the command of means for permanent fortifications, and the money may be drawn from the Treasury, according to circumstances, in the course of a subsequent year.

More than half a million of dollars might now be granted for fortifications, without any financial impediments. The Secretary's report on the finances estimates the revenue from the customs at thirteen millions of dollars for the year. He informs us, indeed, that the product for the first three quarters of the year 1806, has exceeded that of the correspondent quarters in the year 1805, but has not mentioned the amount of this excess. At what sum ought it to be stated? Let gentlemen conjecture, for a moment! Do they suppose it to be a million of dollars? It is not relied on as an item in the Treasury estimates. Yet it presents a fund for a liberal appropriation. From a comparison of other official documents with the reports on the finances, I can now state with undoubting assurance, that the excess, to which the Secretary had referred in general terms, amounts to more than a million and a quarter of dollars.*

This is for the three first quarters of the year: and from the relative amount of importations, it may be confidently expected, that the last quarter of the year will exhibit a correspondent increase of revenue. All this excess, which cannot be less than a million and an half for the whole year, may be taken from the Treasury, without encroaching on any existing appropriation. It might all be granted for fortifications, without deranging any operations of the Government. This sum is free for your disposal, as a clear overplus, beyond all the official estimates.

I now ask that some portion of this overplus may be appropriated for the protection of our ports and harbors. I am not willing to abandon the whole Atlantic frontier to the generosity of foreign aggressors. I would not encourage them to expect plunder without blood.

Much has been said about the Louisiana purchase. It has been the topic of popular harangues; and various opinions have been advanced with respect to such an extension of territory. Yet the great object, perhaps the only object, for which such a purchase ought to be valued by the people of the United States, is the security of the free navigation of the Mississippi, and other waters as relative to the commerce of the Western country. Among those who understand the full value of that navigation, I recollect no person who has objected merely to the price. Objections were made for other causes—questions respecting title and boundaries, stipulations which might lead to foreign interference, and stipulations which were deemed unconstitutional. Such objections were collateral to the main object which I have mentioned, and were founded on the exceptionable terms of the instrument of cession, not on the price to be given for securing the freedom of the Western commerce.

That price was fifteen millions of dollars. So

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* Revenue from duties on imports and tonnage for the three first quarters of 1805 - -	$9,670,978 80
For the three first quarters of 1806 -	10,973,888 05
Increase for three quarters of a year -	1,293,905 06

much has been granted on account of the Western country. It is equivalent to a perpetual annuity of nine hundred thousand dollars. So much is applicable to the protection of that portion of the United States—nine hundred thousand dollars every year forever.

After so large an appropriation for the more immediate interest of the Western country, why not grant something effectual for the Atlantic States? Yet I make no claims on the gratitude of our fellow-citizens of the West. The great expense for security against foreign aggressions must have relation to the frontiers; and although the inhabitants in the vicinity may be more immediately benefitted, yet the nation has a general interest in the security of all the inhabitants.

When you are solicited to provide for the security of the Atlantic frontier, can you condemn the measure as unreasonable? Where is the greatest body of population? Where is the greatest mass of wealth? And where do you collect your principal revenue?

Notwithstanding these strong claims of the Atlantic States, the amount now desired for them is not so much as has been granted for the Western country. Besides the perpetual annuity of nine hundred thousand dollars, recollect the annual expenditures for the army! For the theatre of their service look to the West!

With the grant equivalent to $900,000 annually forever to secure the frontier on the West, and with the maintenance of the regular forces for protection in that quarter, would it seem more than just to grant an equal sum for protecting the frontier on the Atlantic? Yet it is not half that sum which is now in debate; it is but one third of the sum for one year.

I enter into no details, I offer no plan, for the fortification of any of our ports. I do not profess myself to be an engineer. The art of constructing works for attack or defence is so peculiarly a distinct province, that some of the most eminent military commanders have deemed it proper in this respect to rely on their engineers, rather than on themselves. If a plan for the regular fortification of any four principal ports were now submitted to the House, would the majority understand the terms of art to be used in explaining it?

Various observations have been made relative to the impracticability of fortifying New York, so as completely to secure it against capture. That such a place as New York might ultimately be taken by an enemy, is not denied. In process of time, any fortified place might be taken, if invested by superior forces, and left without succors.

Shall, it, therefore, be said, that fortifications are useless? Security against predatory excursions; the powerful resistance which a small body of men may oppose to the more regular efforts of an invading enemy; the embarrassment of his operations; the waste and discouragement of his forces; the gaining time to collect strength for meeting him in the field—these are among the advantages. To fortify New York, so as to withstand a powerful enemy for a long time, may be difficult. But is it impossible?

The duties assigned to this House do not require the members to be engineers competent to decide such questions. If we appropriate the proper sums for the defence of our ports and harbors, professional men, whose duty it is to understand such subjects, may be directed to make the requisite examinations and surveys, and report such plans of defence as may be judged useful. If, on investigation, they should condemn the project of fortifying any particular place, we may be confident that the President of the United States would not order it fortified; and the money would of course remain to be applied to other uses.

If we are not to have any fortifications, because it might be possible for an enemy to take them, what will gentlemen say with respect to other means of defence? Army, navy, militia, all are liable to disasters. When will you give battle to invaders of the country, if you wait for absolute assurance of victory? Would you reproach those who fought at Bunker's Hill, because they were ultimately compelled to retire from the works?

The subject presents a great public question. Will you abandon the country near the Atlantic to pillage and desolation, or will you authorize a regular system of defence?

With a Treasury full to overflowing, you are now called upon to appropriate a part of the excess of your revenue for protecting this important portion of our country. Let the moneys be applied regularly, from time to time, as the Treasury will allow, until the system shall be completed. Such a plan requires no exhausting of your resources; no present augmentation of the army; no loan; no new debt.

In forming an opinion relative to fortifications for the Atlantic frontier, I deem it unnecessary to enter into an examination of the various circumstances attending our foreign relations at the present moment. To-morrow there may be a change. To decide the question now before us, we need not inquire, in detail, what has been effected by the extraordinary missions from this country to Europe, with respect to subjects which occupied so much of your deliberations at the last session—whether a satisfactory treaty has or has not been negotiated with one of the European Powers? whether the negotiations with other Powers are nearly closed, or are still to be protracted amidst multiplied embarrassments and vexations? These would be but partial views of the general subject. It is a permanent system for the common defence, which I wish to have adopted from a regard to the great principles of public security.

On this subject, I do not say that the United States are in immediate danger from any one of the European Powers; I make no attempt to alarm you by any such declaration. But there are general considerations which are highly interesting to this country. Some of them I will now mention very concisely.

Events in Europe proclaim one broad fact—the wish for peace is not a security against war.

Of the States called Republics, in ancient or modern times, all have lost their independence or ceased to exist, except the United States of America. As exhibiting to mankind one example of Republican Government, we now stand alone on the globe, surrounded by ruins.

Our system of policy excludes all hereditary distinctions of rank, title, or power. Can such an experiment, on a scale so extensive as ours, be grateful to possessors of monarchical prerogatives? If we expect no congeniality of sentiment from any of the hereditary Governments founded on the ancient feudal system of Europe, what ought we to expect from a recent Government, exhibiting a new system of hereditary distinctions, analogous to the feudal policy, and erected on feudal and democratic ruins? While our example is viewed with a jealous eye, if we appear contemptible as to defence, the expected facility of success will be an additional incentive to hostility.

If our course of policy should exhibit an elective Government cherishing peace, but wise and strong to protect all in the fair enjoyment of the fruits of industry, we shall present to mankind an example worthy to be respected, and may confide in the general approbation of our fellow-citizens.

I will not so far dishonor my country as to suppose that any member of this House can, for a moment, admit the idea of bowing our free necks to a foreign yoke.

Mr. **Newton** spoke in favor of a liberal appropriation but without pledging himself to the sum which had been moved. He thought the subject all-important, and it was his decided policy to be liberal on the score of national defence. Will you, said he, abandon the seashore? If you protect the coast you at the same time protect the interior. Their interests are the same.

Mr. N. had opposed the specific grant to fortify New York, because he was against every species of favoritism on the subject of national defence. He would be liberal to all. Why did not the members from New York look to us at the South before, and consider our defenceless situation, as well as theirs? When they had awakened from their lethargy, they attempted to enlist us in their plan, by proposing some of our ports, (Charleston and Norfolk.) We resisted such a proposition. I wish for no favoritism to our part of the country.

The gentleman from North Carolina (Mr. **Holland**) has delivered an elaborate argument against fortifications, and says that they will create national pride and lead to war. We ask for fortifications only to protect us against marauders. He cannot suppose that we intend to launch into the ocean and privateer with them. This would be something new.

If we advert to history, we shall find that, in consequence of fortifications, the violence of rapine has been stayed, campaigns lost, and countries protected from desolation.

Mr. N. was in favor of a liberal and general appropriation on another ground. The Executive is the proper department to receive details of fortifications, and can judge concerning them, and apply the money where it will be the most advantageous.

The gentleman from Connecticut (Mr. **Dana**) has turned our attention to the Western people, and given an account of the vast sums of money expended for their benefit. Mr. N. did not wish to make an interested appeal to the members from that quarter; he hoped they would approve the defence of the coast from the dictates of reason. He had been in favor of the purchase of Louisiana, and he thanked God that his name was on record as the friend of that measure. Our interests and those of the Western people are inseparable, and he hoped they would consider our situation. The day will come, I predict it, when the interests of the West and the Atlantic States will not militate; I hope they do not now. When the Atlantic States are distressed, the Gulf of Mexico will be in the like predicament, and the mouth of the Mississippi will be blocked up.

Mr. **Holland** explained. He said the merchants of New York had fitted out vessels to St. Domingo, and compelled Congress to make a law prohibiting the trade. They had done more. They had suffered the Leander to be fitted out for an attack on a foreign Power at peace with us, when they might have prevented it. If they go to such length when they are in a defenceless situation, what would they do if they were fortified? If we once engage in war by the misconduct of such men, we should defend them, as Hector defended Troy against the Greeks, though he reprobated the cause of the war. New York has done enough to show that they feel secure. The people there might have prevented many improper things.

Mr. **Cook** said he was happy that the gentleman from North Carolina, (Mr. **Holland**) had given the House such long, learned, and logical speeches. He hoped all the arguments had now been brought up on that side of the question, and it would not be very difficult to answer them. Mr. C. was surprised to hear all the people of New York charged with the acts of a few. This was new doctrine. The gentleman reprobates all preparations for war. We must then disband the militia, lest they should provoke a war. Our navy and gunboats are all useless, nay worse than useless, for they may provoke a war.

Mr. C. hoped there was no prejudice in the House against merchants. It was true that a considerable part of them are opposed to the present Administration, but he supposed it was because they thought they were not sufficiently protected by the Government, and that the present Administration was hostile to their interests. Mr. C. was not the apologist of such men. He was himself a friend to the present Administration, because he thought it better than the past. We have mended, but we are not perfect. I would not reject all measures proposed, because they were adopted by the last Administration.

Mr. **Elmer** spoke at length in favor of $20,000.

Mr. **Fisk** wished to know what republics had ever perished for want of fortifications and a navy? The Government has already laid out large sums for the merchants, in negotiating treaties, supporting ambassadors and consuls, &c. He was against fortifications for the very reasons urged in their favor. If New York is the object, why not say so? It is said we have a law mentioning eighteen ports. This is specific, and why not therefore repeal this law and let all the whole coast from Florida to Machias be fortified? It is said the responsibility is with the President. If a particular port is not protected, the fault will then be all charged to him, and a great outcry made. I am therefore opposed to the motion.

Mr. DANA.—It is true that I am against a partial appropriation for New York—not that I am against fortifying that port, but because I do not wish the interest of New York to be detached from the common interest of the Atlantic States. The defence of our ports and harbors is a great public concern, respecting which I would legislate on public principles. Other ports besides New York have claims to protection; and shall they be all abandoned, and New York exclusively regarded? I would make a general provision for fortifications, which might be applied to the respective ports and harbors according to their situations, and relative importance. Among those which are important, I regard New York as preeminent. But although it is the right arm of our defence, it is not the whole body.

If any gentlemen suppose the idea of fortifying New York to be a project for inflaming the local politics of the State, if they suppose that any of the propositions which have been moved and supported in this House have been made with a view to the local elections, this is not a procedure for which I am responsible. I have entered into no league with either of the contending sections of the ruling party in New York. Among the political leaders of different descriptions in that State, are to be found men of talents, entitled to my personal respect. Their good sense, I am confident, will not permit them to believe that their great purpose is to be secured by any petty appropriation for the port of New York. They have an interest in common with others. Where is the propriety of their separation from the common use?

When the gentleman from Vermont (Mr. FISK) talks about fortifying the whole coast, from East Florida to Machias, what idea has he of fortifications? If he means the erecting of batteries everywhere, along the whole extent of the coast, does he know anything about the subject?

In the case where an extensive frontier is to be protected, one of the first principles of defence is to provide for securing the most important positions. No man who understands the subject would seriously propose to construct works at every place, however insignificant. Effectual provision for the principal places is what is desired. The command of them is a security for the rest.

If it be asked, what places on the Atlantic frontier are of most importance with respect to the common defence, an attention to the history of our Revolutionary war might assist gentlemen in deciding the question.

The port of Boston, which was occupied at the commencement of hostilities, was abandoned by the British early in the next year. It was not a convenient position for the enemy.

In the same year, after the abandonment of Boston, the British seized the port of New York. This was of such importance as a military and naval station, it was so favorable to their various enterprises, it enabled them so extensively to annoy the country and intercept the interior communications, while it was attended with peculiar advantages for maritime warfare, that they continued to occupy it during all the subsequent years of the war. The fact is decisive with respect to the superior importance of New York. Philadelphia was the main object of a campaign, but was abandoned the year after it was taken.

The conduct of the enemy proved the importance which they attached to Norfolk in Virginia. Charleston, in South Carolina, was judged worthy of a long siege, and from its relative situation, and the advantages of water communication with other places, must be deemed of peculiar importance. The seizure and occupation of Savannah, in Georgia, have proved the attention due to that place. There are other ports of no inconsiderable moment. It is needless to mention all which have been designated by law. Proportionate attention is due to each of them.

It is proper for us to grant moneys for the general purpose of fortifications; and the greatest proportion may be applied where it will be most useful. It is for professional men to give opinions on such questions, and the President of the United States may then decide. He may require information from the proper officers, will have at command better means of knowledge than the members of this House, and can more properly direct the detailed execution of the system. To him, as commander-in-chief of the public force, it peculiarly belongs to direct the particular application of such general means of defence as may be provided by the Legislature.

Mr. NEWTON had omitted one idea before. In time of war the communication between different parts of the country must be by inland navigation, as we have no navy adequate to the protection of trade coastwise. Canals are now cutting between Norfolk and Albemarle Sound, and between North and South Carolina. If Norfolk then should be taken, it would interrupt all water communication between the Middle and Southern States.

Mr. COOK was about rising again, when

Mr. SMILIE rose: As he saw gentlemen getting up the third time, he would remark that there was much business on the table, and that only eight days was now left to do it in. He hoped gentlemen would therefore shorten their speeches as much as possible. He believed every member was ready to vote. Mr. S. proceeded at some length to insist on the value of time and the necessity of being brief.

After some animadversions from Mr. COOK on the remarks of Mr. SMILIE, the question on Mr.

C.'s motion to appropriate $300,000 for fortifications was taken and lost, 44 yeas to 57 nays.

Mr. Newton proposed $150,000.

Mr. Masters proposed $200,000. The motion of Mr. M. was lost, yeas 46.

Mr. Smilie proposed $100,000. Since the New York gentlemen say gunboats will not do there, I am willing to let them have so much for fortifications, seeing it will not increase the whole expense.

The question on Mr. Newton's motion to insert $150,000 was taken and carried, yeas 56, nays 47.

The Committee had now gone through the bill.

Mr. Thomas proposed an additional section to appropriate a sum for gunboats.

Mr. Quincy observed that if the gentleman who made this motion had not been from New York he should have supposed that he intended to defeat the bill, for it was well known that many friends to fortifications were decidedly against building any more gunboats.

Mr. D. R. Williams expressed his hostility to the motion. We have already gunboats enough for use in those places where they are useful. Some gentlemen were disposed to make fun of gunboats, but they originated in federal times and those first built were indeed curious creatures. They were a sort of amphibious animal; they were a perfect nondescript, and formed a new era in naval architecture. They had two heads, two keels, and never a stern. We have made some improvements, and I hope we shall make more.

Mr. Cook was glad to hear that gunboats had a federal birth.

Mr. Quincy said he believed gunboats originated in federal times, and everything else that related to the defence of the country. He had heard of nothing new under the present Administration. Gunboats were useful in some places, but the ridicule had been cast upon them because they had taken place of everything else, and were considered as a substitute for all other means of defence.

Mr. Alston agreed that the present Administration had taken up a new system of defence. It was that of saving the public money. This system was new, and not known in federal times. We had not gone on increasing taxes like our predecessors.

Mr. Quincy replied that the Federal Administration had saved the country from danger and disgrace. He wished he could say as much of their successors.

Mr. Smilie asked if they had not defended the country. He would ask, also, if all the fortifications ever built were worth the pen in his hand?

Mr. Gregg thought gentlemen were engaged in a curious debate. It seemed as if those on one side had got into fortifications, while those on the other were coming in gunboats to attack them. Mr. G. could see no prospect of danger, and he wondered why so much ado was made about the subject. He was, however, willing to vote for the sum which had been agreed to, so that gentlemen might enjoy repose when they went to bed.

The section for gunboats was then agreed to—53 yeas, 34 nays.

Two blanks remained to be filled—first, the amount of the appropriation, and secondly, the number of boats.

On motion of Mr. Early the first blank was filled with 150,000; and on motion of Mr. Thomas the second was filled with 30, so that $150,000 were appropriated to build thirty gunboats.

The Committee rose and reported the bill as amended to the House, who immediately adjourned, ayes 56, nays 44, without taking any question on the report.

Monday, February 23.

The Speaker laid before the House a letter from the Secretary of War, transmitting a list of invalid pensioners placed on the pension list of the respective States, in obedience to a resolution of the House of the seventeenth April, one thousand eight hundred and six; which were read, and ordered to be referred to the Committee of Claims.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act regulating the granting of registers in case of ships and vessels of the United States becoming the property of bank and insurance companies;" to which they desire the concurrence of this House. The Senate have passed the bill sent from this House, entitled "An act to continue in force, for a further time, an act, entitled 'An act to suspend the commercial intercourse between the United States and certain parts of the Island of St Domingo," with an amendment; to which they desire the concurrence of this House; also, the bill, entitled "An act to extend the time for locating Virginia military warrants, and for returning the surveys thereon to the office of the Secretary of the Department of War," with several amendments; to which they desire the concurrence of this House.

The bill sent from the Senate, entitled "An act regulating the granting of registers in case of ships and vessels of the United States becoming the property of bank and insurance companies," was read twice and committed to a Committee of the Whole to morrow.

The House proceeded to consider the amendment proposed by the Senate to the bill, entitled "An act to continue in force, for a further time, an act, entitled 'An act to suspend the commercial intercourse between the United States and certain parts of the island of St. Domingo:" Whereupon,

Resolved, That this House do agree to the said amendments.

PUBLIC DEBT.

The House resolved itself into a Committee of the Whole on the bill in addition to the act entitled "An act supplementary to the act entitled 'An act making provision for the redemption of the public debt of the United States.

A motion was made to strike out the first section, which is as follows:

Sec. 1. *Be it enacted, by the Senate and House of*

Representatives of the United States of America, in Congress assembled, That if any part of the present three per cent. stock of the United States shall remain unsubscribed to the loan constituted by the act to which this is an addition, the said unsubscribed stock shall be paid and reimbursed by payments, on account both of principal and interest, at the rate of four per centum a year, upon the original capital of the said stock, until the whole of the said stock shall have been reimbursed and paid: and the Commissioners of the Sinking Fund are hereby authorized and required to make the said payments by dividends, at the rate of one per centum on the original capital, payable on the last day of March, June, September, and December, of each year, after the year one thousand eight hundred and eight, until the reimbursement shall have been effected.

This motion was supported by Messrs TALLMADGE and QUINCY; and opposed by Messrs. J. RANDOLPH, and BIDWELL; and disagreed to—ayes 6; when the Committee rose, and the bill was ordered to a third reading.

NATIONAL DEFENCE.

The House proceeded to consider the report of the Committee of the Whole, on the bill relative to fortifications and gunboats. The Committee reported an appropriation of 150,000 dollars, to fortify the harbors of the United States, and the like sum to build thirty gunboats.

Mr. DANA called for a division of the question.

The question was accordingly divided, and on concurring in so much of the report as appropriates 150,000 dollars for fortifications, a debate of considerable length took place.

Mr. OLIN opposed a concurrence, and contended that the sum was much too large Great towns are seldom or never destroyed in war. For example, none of our considerable seaport towns have been destroyed in any former war, though the country has been settled nearly two hundred years, and they have been always exposed to the incursions of an enemy. He was also opposed to building gunboats. If two hundred were considered sufficient for our protection in time of war, seventy must be a respectable peace establishment. Mr. O. spoke at considerable length.

Mr. R. NELSON would not have risen at this time, but he had been informed that, during his absence, certain gentlemen who had misunderstood or misrepresented him, had amused themselves by commenting on his observations as to running away on the approach of danger. He had said, or intended to say, when this subject was under discussion on a former day, that if we should be invaded by a large force, it would be better to retire into the country and there meet the enemy, than to pen ourselves up in fortified towns, and there be taken prisoners.

If you intend to fortify the whole coast, this sum is totally inadequate. If designed merely for the protection of New York, it is thrown away; for five millions would not fortify New York against a competent force.

Mr. J. RANDOLPH was sorry that the voice of his friend from Vermont, (Mr. OLIN,) prevented him from being heard by the whole House, because his observations completely evinced the futility of the bill reported by the Committee. He also considered the statement of his friend from Maryland (Mr. NELSON) unanswerable; that one hundred and fifty thousand dollars was totally inadequate to the protection of the coast. He considered the grant as a tub thrown to the whale, to amuse him. It could be for no other purpose than to stop clamor. If he wanted to be Speaker the next session, he might, perhaps, join in this proposition. It was a good electioneering scheme. Or, if he were a citizen of some large maritime city, and solicitous for distinction, he might, perhaps, join in this fortification mania. But, in truth, this proposed sum will not establish a defence equal to Corporal Trim's spade and pitchfork, for Uncle Toby's potato garden.

Suppose New York ever so well fortified, an army may land above the city and cut off its intercourse with the country. A fortification there would be made for the enemy. Not a man of our army would have escaped, in the last war, from Long Island, if the enemy's general had not been treacherous to his duty; and all the calamities of that campaign might have been avoided if our army had retreated into the country.

It has been often said that a small force may lay the city of New York under contribution. But, will gentlemen say this, after the ample protection furnished by their favorite gunboats? Mr. R. repeated again, that he considered this grant of no use but to stop clamor. He suspected that the only effectual plan of defending New York, was that proposed on a former day by the gentleman from New York, (Mr. ELMER,) to stop up the channel leading to the harbor. This would undoubtedly be an adequate defence, and the learned gentleman who suggested it, must be a disciple of the learned Dr. Last, who had an infallible recipe to cure corns on the toes—to cut the toes off.

Mr. R. considered, that the moment these three hundred thousand dollars were voted for fortifications and gunboats, the money was thrown into the Gulf stream. If two positions could be made out: 1st. The necessity of defence, and 2dly, That our resources are adequate to the object, he would cheerfully join.

Mr. R. vindicated himself from the charge of inconsistency, in voting for the defence of New Orleans, and opposing that of New York. If Savannah or Charleston were the richest, the weakest, and the most likely to be attacked of any part of the United States, (and such is the fact,) would there be any inconsistency in proposing measures of defence for those ports and refusing them to others? So of New Orleans.

New York and New England are not likely to be attacked. Burgoyne's expedition has settled that point. To attack this country in that quarter would be taking the bull by the horns; but if New York is exposed, will their portion of these $150,000 avert the danger?

Mr. ELMER spoke at length against a concurrence.

Mr. MUMFORD contended that New York was

as fully entitled to protection as New Orleans, and more exposed to danger. In a few hours a ship-of-the-line might come from the ocean and place herself before the city. New Orleans was one hundred miles from the sea, and inaccessible to large ships of war.

Mr. J. Randolph replied. The population of New York, and its vicinity, was adequate to its protection. This was not the case with regard to the tide waters of South Carolina and Georgia. They could not defend themselves against the smallest force. The same is true of New Orleans, which is also exposed to a considerable Spanish force in its neighborhood. It is, besides, so far distant from any part of the United States, thickly populated, that it is incapable of timely succor.

Mr. Thomas referred to the Revolutionary war to evince the efficacy of land batteries. The British were driven from Boston by the batteries on Dorchester heights.

Mr. Quincy.—I agree with the gentleman from Virginia (Mr. J. Randolph) as to the inadequacy of $150,000 to the object of fortifications, divided among all the ports and harbors of the United States, or even if applied to the single harbor of New York. I feel so utterly indifferent, as to the event of such an appropriation as this, obtained in the manner and under the influences this has been, that I should have given a silent vote upon this question, were it not for an observation which escaped that gentleman, and which seems to me to open an important view of the subject. He told us that if he could be convinced that fortifications were necessary, and that we had the means to erect such as were efficient, he should be willing to vote not such a sum as this, but what would be equal to an adequate defence. This is the true ground on which this question ought to be placed. It is, because fortifications are necessary, and because we have the means perfectly within our power, that the obligation is imperious. Those gentlemen who have denied the necessity of fortifications, have told us that there was no likelihood of invasion; that the Powers of Europe were disposed to be friendly, or were too much engaged in their own disputes, to think of attacking us. Sir, I do not rest the great duty of erecting fortifications in our principal ports and harbors, on the narrow ground of any immediate danger, but on the broad, and, in my mind, incontrovertible certainty that, if peace and independence are ours, for any great length of time, it can only be because we possess and exhibit a spirit and ability equal to the maintenance of them. To both of which a foresight of probable evils, and a wise preparation against them, are necessary requisites. I advocate fortifications for our ports and harbors, not because commerce ought to be encouraged, nor because commercial deposits, as such, deserve our peculiar patronage, but because these are constituent ports of the nation, from their nature the most vulnerable ports, the most attractive to the spirit of plunder, and the least able to resist it. Whenever war happens, our enemies will here inflict their surest and deadliest wound. Here, therefore, our national skill should be applied, in times of peace and prosperity; seasonably to prepare against events, certain as to their future existence, and only uncertain as to the time and manner in which they may happen. It is impossible, in considering this question of the necessity of this species of defence, not to have regard to the aspect of our foreign relations. These are distinct and peculiar. And so also are the duties which result from them. Formerly, the martial force of Europe was divided among various independent sovereignties, which, from their real or associated equality, kept each other in check, and prevented any one among them from any great scheme of universal domination.—From the balance of power, resulted a solid security, not only to the nations of Europe, but also to us; and it grew into a maxim, that, in America, we had nothing to do with the quarrels of Europe, except to reap the harvests which its disputes prepared for us. So long as that state of things existed the maxim was wise, and, so far as it inculcates a scrupulous and honest neutrality, it still continues a sound rule of conduct. But it is in vain to deny a conviction, which the apprehensions of every man forces upon him, that the aspect of affairs, in Europe, is altogether different from anything which we, or which the world, ever before witnessed. So far as it respects these United States, there are now but two nations on the globe—a nation of land warriors, and a nation of sea warriors. One people, humanly speaking, omnipotent on one element, while its natural rival is omnipotent on the other. Between these two nations an inveterate, inextinguishable animosity exists. Between them there can be no peace, which is not hollow; no suspension of hostilities which will not be suspicious, not only on account of ancient prejudices, and of recent animosity, but, from this undeniable relation in which they stand to each other, that the one contends for existence, and the other to remove the only remaining limit, so far as relates to the west of Europe, to universal dominion. When such a state of things exists between the only two nations of the globe, with whom we have very intimate relations, is it possible our fate will not materially be affected by the event? Is it possible that, let this contest terminate when it may, how it may, or in favor of whom it may, that the consequences to us will not be eventful? Is it not wise in us to anticipate those consequences, and make a prudent preparation to enable us best to meet them?

I ask, of all possible results of the present contest, which is that which will leave us free and yet at peace; independent, yet bare to every spoiler; which is that event? Is it peace, or is it war? Is it the total subjugation of either nation to the other; and of which? Suppose peace and this, too, on the best terms, which can now be expected, those of the *uti possidetis?* In such event, what would be the state of things? On the one side, Bonaparte, virtual master from the Dardanelles to the Baltic, with more than half a million of veterans flushed with victory, and fleshed for plunder, veterans for whom he must find employment, and who have no other trade than that of soldiers. On the other side. Great Britain, the undisputed sovereign of the seas, obliged to enforce her superiority on this element, because, on this depends her safety, and obliged also to monopolize, as far as possible, the commerce of the world, because, on this depends that superiority. In case of peace, what are our prospects? As it respects Great Britain, what is our situation? The second commercial nation on the globe. In the sphere of commerce, her natural, her only rival. Is it not certain that the limitation of the field of commercial enterprise, which we have so long enjoyed, and which would be inevitable in case of peace, would produce great discontent and distress in this country? Is it likely that, urged on by her interests or her jealousy, and conscious of her power, she would claim nothing from us, which we should not be willing to yield? Rather is it not inevitable that, in such case, collisions of mutual interest would bring on irritations, the usual precursors of war? But, suppose this to be the ideal—suppose Great Britain, sensible of the importance of our consumption to her manufactures, is as tractable as we can desire? Is there no cause of apprehension from another quarter? Would Bonaparte, at ease in Europe, long refrain from turning his eye toward this country? Would he not find us rich, and fat, and heavy, from long prosperity? Disinclined to fight about the lands we have, and ready to purchase those we have not? If we had no evidence of his disposition toward this country, is not the very nature of his power such as may put it beyond his reach to interfere with our peace, were he ever so much inclined? It is the nature of the military power, especially such as his, of sudden and self-created elevation, to raise to itself rivals among all the chiefs of the great divisions of the army. The jealous master must remove the object of its fears to a distance. A soldiery, corrupted by victory, must be employed. Why was Bonaparte, with his forty thousand veterans, sent by the Directory to Egypt? To conquer the country? This was the ostensible object. The real one to find employment for a military commander, too popular with his army to be removed, too restless to be idle, too ambitious not to be dreaded. Why was Le Clerc, with another force, sent to St. Domingo? As much from a necessity to rid themselves at home of domestic troubles, as in the hope of regaining lost territory. What is to prevent, in case of peace, a similar danger in France, which can only be removed by some similar expedition, and what security that it will not take its direction this way, as well as any other? Sir, have we seen no evidence of a disposition toward such an enterprise in the present head of the French nation? Previous to the purchase of Louisiana, was not a settlement openly avowed to be intended for that quarter? And was not the apprehension of such a military establishment, among the reasons which led to that purchase? Let peace take place to-morrow, and the prospect of this nation is the most melancholy and alarming. It may be impossible to foresee which nation will interfere with our rights and put our mild spirit to the trial, or in what manner it will be attempted. But, that it will be done by the one or the other, is scarcely problematical.

But, let us grant that peace is impossible. Suppose war continues? Are our prospects brighter? Is it not obvious that, from this moment, the war must assume a new character? Is it not now on the one side a war of extirpation, and on the other for self-existence? On these accounts we cannot reason on this as on common wars. To one nation, in case of defeat, there is no hereafter. Its being is at hazard. We cannot, therefore, expect it will conduct its warlike operations according to the ordinary and received maxims of common prudence. Its struggles must inevitably be convulsive. How long will Bonaparte allow our commerce with Great Britain? If, indeed, at this moment it be permitted, which seems doubtful. If we are denied this intercourse, are we prepared to submit? If we do not, can we keep peace with France? If we do, can we with Great Britain? On the other hand, may we not expect retaliation on our commerce with France? Are we willing to yield the whole with both nations? Can we long carry it on with either without being forced into the war, or without having all the misfortunes of war with none of the fruits of neutrality? It is from this state of our foreign relations, that I argue the necessity of wise preparation for defence, in all the weak parts of the nation; those which are most exposed; those which constitute the frontier; and which, from their riches, most allure plunderers. I consider it as a principle, that a nation, rich and enterprising as is the American, and placed, by its commercial relations, in the midst of martial nations, cannot long maintain either peace or independence without making a regular preparation for those events which are certain, unless prevented by the spirit which such preparations indicate.

But, the objection urged is not so much to the utility, or the wisdom of fortifications, as to the expense. We have been warned against beginning fortifications, because it is said: "Once enter upon the system, and it must be pursued; 'grant one hundred thousand dollars, and you 'must two hundred thousand, and so on." And, as if all argument was closed by the fact, it is said, "that the protection of all our ports and harbors will cost millions." Sir, I am not disposed to deny what I believe not only to be a fact, but also a fact which it is our duty to make understood by this people.

The adequate defence of the ports and harbors of the United States, such as the commercial cities have a right to demand, will unquestionably cost millions—ought to cost millions—millions cannot be better employed. This, which is urged as a main reason, against beginning fortifications at all, is a principal one in favor of beginning them now, and with a spirit proportionate to the real wealth of the nation, and to the great stake it has in the safety of the cities. Fortifications are permanent objects of defence, destined, not for ourselves only, but for posterity. They require, to their greatest perfection, much time, great labor, long consideration, both as to the nature and location of them, according to the situation of different ports. Materials must be collected, prudential principles established, wise economies adopted. All these are best set on foot at such a time as the present, and in such a situation as is our nation in a time of peace. In a time when the command of surplus revenues will enable us to make the necessary preparations in the most advantageous manner.

When I say that fortifications will cost millions, do I mean to propose such appropriations, or the laying additional taxes? By no means. In this the inexcusableness of this House consists. Every principal commercial city in the United States might be put in an adequate state of defence without laying any additional tax, and without its being felt by the people. From the nature of fortifications, their erection must require many years, in order to their being of real efficacy. If built upon a scale proportionate to the magnitude of the object, a certain appropriation of a definite sum for several years, would alone be requisite, not of the whole expenditure in one year. Of course, the nation could avail itself of the successive revenues of many years, and the sum, though great in the aggregate, yet, when apportioned upon the incomes of eight or ten years, would almost be imperceptible. In this point of view, will any man pretend we have not the ability to give an adequate defence to our cities. Sir, the Mediterranean fund, which some wish to abolish; the salt tax alone, which, so far as depends upon this House, is already abolished, would have either of them effected the object within the time in which it is probable the appropriations could have been wisely expended—within ten years either of those sources of revenue would have unquestionably produced from at least seven to ten millions of dollars. In less than such a period such expenditures as the adequate defence of all these cities contemplates, could not be advantageously applied. And, in that time, the expenditure of from seven to ten millions of dollars would put every commercial city in an adequate state of defence.

Thus much I thought it proper to state, by way of reply to the honorable gentleman from Virginia, (Mr. J. Randolph,) and to show both that fortifications were necessary, that we had the means in our hands, and that the present was the time most propitious to their commencement.

Mr. Smilie observed that, in the first place, he had no ambition to fill the Speaker's chair; and, secondly, that he had no electioneering object in view.

Fortifications, he considered, could be of no use except against marauders, but such was the present situation of Europe, that we could be in no danger. Besides, the present mode is to take armies, and fortifications fall of course.

The President has called for so much. (Three hundred thousand dollars.) Mr. S. was willing to give some of it for fortifications, and leave the rest of it for gunboats, seeing it would not make any difference in the whole expense.

In reply to Mr. Quincy, Mr. S. said that Bonaparte had his hands full; besides, he had higher objects in view than the United States; and, as we had made peace with England, there could be no danger to us from the nations of Europe.

Mr. Dana inquired, if it would be in order to move an amendment to the report, by striking out $150,000, and inserting a larger sum?

The Speaker replied in the negative.

Mr. Thomas suggested, whether the object could not be compassed by moving to strike out "one," and inserting "two, three, or any larger number?"

The Speaker considered this also out of order. It had been the practise to regard numbers as incapable of a division.

Mr. Dana inquired, if there were any method of procuring a larger sum, except by disagreeing to the report?

The Speaker replied in the negative. The question must be first taken on the sum reported, ($150,000.) If that is disagreed to, any other sum can then be moved.

Mr. Dana deemed the sum reported totally inadequate to the object, and desired a much larger sum. Whatever might be the views of the various sections of the ruling party in the State of New York, it was no concern to him. He was solicitous for the general defence of the country on a liberal and adequate scale. He concluded with declaring that he should vote against concurring in the report, with a view to move a larger sum.

Mr. Masters contended that the alarm in New York was not excited for an electioneering trick. The clamor was justly founded, and would always exist, so long as they were unprotected. We have abundant means of defence. Above four millions are now in the Treasury.

Mr. Cook was sorry the gentleman from Virginia (Mr. J. Randolph) had impeached the motives of those in favor of the report. Mr. C. would only say, that the elections were over at the Eastward. He believed they had not yet taken place in the South.

The question on concurring with the report of the Committee of the Whole, in appropriating $150,000 for fortifications, was taken by yeas and nays, and carried—yeas 72, nays 44, as follows:

Yeas—Evan Alexander, Willis Alston, jun., Barnabas Bidwell, John Blake, jun., William A. Burwell, John Claiborne, Matthew Clay, George Clinton, jun., John Clopton, Frederick Conrad, Orchard Cook, Leonard Covington, Richard Cutts, Ezra Darby, John Davenport, junior, Peter Early, James Elliot, Caleb Ellis, William Ely, John W. Eppes, William Findley, John Fowler, Andrew Gregg, Silas Halsey, Seth Hastings, William Helms, David Holmes, David Hough, John G. Jackson, Walter Jones, Thomas Kenan, John Lambert, Henry W. Livingston, Matthew Lyon, Patrick Magruder, Robert Marion, Josiah Masters, William McCreery, Nicholas R. Moore, John Morrow, Gurdon S. Mumford, Jeremiah Nelson, Thomas Newton, jun., Timothy Pitkin, junior, John Porter, Josiah

Quincy, John Rhea of Tennessee, John Russell, Peter Sailly, Thomas Sammons, Thomas Sandford, Martin G. Schuneman, James Sloan, Dennis Smelt, John Smilie, John Smith, Henry Southard, Joseph Stanton, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, David Thomas, Uri Tracy, Philip Van Cortlandt, Killian K. Van Rensselaer, Joseph B. Varnum, Daniel C. Verplanck, Peleg Wadsworth, Eliphalet Wickes, Marmaduke Williams, Nathan Williams, and Thomas Wynns.

NAYS—John Archer, David Bard, Joseph Barker, Burwell Bassett, George M. Bedinger, Silas Betton, William W. Bibb, Thomas Blount, Robert Brown, William Butler, John Chandler, Martin Chittenden, Samuel W. Dana, John Dawson, Ebenezer Elmer, James Fisk, James M. Garnett, Charles Goldsborough, Peterson Goodwyn, Edwin Gray, Isaiah L. Green, John Hamilton, James Holland, Edward Lloyd, Duncan MacFarland, David Meriwether, Thomas Moore, Jeremiah Morrow, Jonathan O. Mosely, Roger Nelson, Gideon Olin, John Randolph, John Rea of Pennsylvania, Jacob Richards, Ebenezer Seaver, Samuel Smith, Richard Stanford, William Stedman, Thomas W. Thompson, John Whitehill, Robert Whitehill, David R. Williams, Alexander Wilson, and Joseph Winston.

The next question was on concurring in the report, to appropriate $150,000 to building thirty gunboats.

Mr. DANA considered that it would be better to provide the materials for gunboats, and build only in case of exigency, than to build them immediately, and they might not be wanted, and would be built only to rot in our harbors. He, therefore, moved to amend the report, by striking out "build" and insert "purchase the materials for." Should the gunboats be wanted, the materials might be soon put together.

Mr. ALSTON opposed the motion, on the ground that the boats could not be constructed in season.

Mr. DANA replied; when the question was taken and lost—yeas 30, nays 78, as follows:

YEAS—Silas Betton, William A. Burwell, Martin Chittenden, Samuel W. Dana, John Davenport, jun., Caleb Ellis, Ebenezer Elmer, William Ely, James Fisk, Silas Halsey, James Holland, David Hough, Walter Jones, Duncan MacFarland, Robert Marion, Josiah Masters, Jonathan O. Mosely, Jeremiah Nelson, Timothy Pitkin, jun., Josiah Quincy, John Russell, Martin G. Schuneman, William Stedman, Benjamin Tallmadge, Sam'l Tenney, Thomas W. Thompson, Philip Van Cortlandt, Killian K. Van Rensselaer, Robert Whitehill, and Eliphalet Wickes.

NAYS—Evan Alexander, Willis Alston, jun., Isaac Anderson, John Archer, David Bard, Joseph Barker, Burwell Bassett, George M. Bedinger, William W. Bibb, Barnabas Bidwell, John Blake, junior, Thomas Blount, Robert Brown, William Butler, John Chandler, Matthew Clay, George Clinton, jun., John Clopton, Frederick Conrad, Orchard Cook, Leonard Covington, Richard Cutts, Ezra Darby, Peter Early, James Elliot, John Fowler, James M. Garnett, Charles Goldsborough, Peterson Goodwyn, Edwin Gray, Isaiah L. Green, John Hamilton, Seth Hastings, William Helms, David Holmes, John G. Jackson, James Kelly, Thomas Kenan, John Lambert, Henry W. Livingston, Edward Lloyd, William McCreery, David Meriwether, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Gurdon S. Mumford, Roger Nelson, Thomas Newton, junior, John Porter, John Randolph, Thomas M. Randolph, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Peter Sailly, Thomas Sammons, Thomas Sandford, Ebenezer Seaver, Dennis Smelt, John Smilie, John Smith, Samuel Smith, Henry Southard, Richard Stanford, Joseph Stanton, Samuel Taggart, David Thomas, Uri Tracy, Joseph B. Varnum, Daniel C. Verplanck, John Whitehill, David R. Williams, Marmaduke Williams, Nathan Williams, Alexander Wilson, and Joseph Winston.

Mr. GOLDSBOROUGH hoped every part of this important bill, on which the whole national defence was considered to depend, would be treated alike. He, therefore, called for the yeas and nays on the section relative to gunboats. Everything now, is said to be predicated on the principles of economy. Hence, fortifications are abandoned, and gunboats substituted. The President, however, informs us that, for the safe-keeping of these gunboats, they must be protected by being put under cover. A house must, then, be built for every boat. What will these houses cost? With the land for them, they will, perhaps, cost more than the boats themselves. So much for economy.

The section relative to gunboats was concurred in—yeas 68, nays 36, as follows:

YEAS—Evan Alexander, Isaac Anderson, John Archer, Joseph Barker, William W. Bibb, Barnabas Bidwell, John Blake, jun., Robert Brown, William A. Burwell, William Butler, John Chandler, Matthew Clay, George Clinton, jun., John Clopton, Frederick Conrad, Orchard Cook, Leonard Covington, Richard Cutts, Peter Early, John W. Eppes, William Findley, James Fisk, John Fowler, Peterson Goodwyn, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, Seth Hastings, David Holmes, John G. Jackson, Walter Jones, James Kelly, Thomas Kenan, John Lambert, Robert Marion, Josiah Masters, William McCreery, Nicholas R. Moore, Jeremiah Morrow, John Morrow, Gurdon S. Mumford, Roger Nelson, Thomas Newton, jun., John Porter, Thomas M. Randolph, John Rhea of Tennessee, Peter Sailly, Thomas Sammons, Ebenezer Seaver, Dennis Smelt, John Smilie, John Smith, Sam'l Smith, Henry Southard, Joseph Stanton, Samuel Taggart, David Thomas, Uri Tracy, Philip Van Cortlandt, Joseph B. Varnum, Daniel C. Verplanck, John Whitehill, Eliphalet Wickes, Marmaduke Williams, Nathan Williams, Alexander Wilson, and Thomas Wynns.

NAYS—Burwell Bassett, George M. Bedinger, Silas Betton, Martin Chittenden, Samuel W. Dana, Ezra Darby, John Davenport, jun., James Elliot, Caleb Ellis, Ebenezer Elmer, William Ely, James M. Garnett, Charles Goldsborough, Edwin Gray, James Holland, Henry W. Livingston, Edward Lloyd, Duncan MacFarland, David Meriwether, Thomas Moore, Jonathan O. Mosely, Timothy Pitkin, jun., Josiah Quincy, John Randolph, Jacob Richards, John Russell, Thomas Sandford, Martin G. Schuneman, Richard Stanford, William Stedman, Benjamin Tallmadge, Thomas W. Thompson, Killian K. Van Rensselaer, Robert Whitehill, David R. Williams, and Joseph Winston.

The bill was then ordered to be engrossed, and read a third time to-morrow.

[NOTE.—The bill afterward passed in this form, and was transmitted to the Senate for concurrence, who struck out the section relative to gunboats, and agreed to the other relative to fortifications. On the last day of the session, the bill was returned with this amendment to the House of Representatives, who concurred therein by a majority of three—ayes 39, noes 36.]

VIRGINIA MILITARY WARRANTS.

The amendments of the Senate to the bill relative to Virginia Military Land Warrants were referred to the Committee on Public Lands.

Mr. J. Randolph observed that the bill received from the Senate, the object of which was to prevent intrusions on public lands, had been before the Committee on Public Lands for a considerable time. As it was his wish that this bill should be decided on while the House was full, as the Committee on Public Lands would find much occupation in the bill last referred to them, he moved that they should be discharged from the further consideration of the former bill, with a view of having it referred to a Committee of the whole House.

A motion to adjourn having been made and carried, no question was taken on Mr. Randolph's motion.

Tuesday, February 24.

The Speaker presented to the House certain resolutions of the Legislative Council and House of Representatives of the Mississippi Territory, which were received and read, stating their attachment to the Union, their confidence in the Legislative and Executive Departments of Government, and their determination to oppose, with their lives and fortunes, as well all internal conspiracy as foreign encroachments.—Laid on the table.

Mr. Quincy, from the committee appointed on the eighth ultimo, presented a bill disapproving of an act passed by the Governor and Judges of the Territory of Michigan, entitled "An act concerning the Bank of Detroit;" which was read twice, and committed to a Committee of the Whole to-morrow.

Mr. Thomas, from the committee appointed on the twentieth instant, presented a bill authorizing the discharge of Gilbert Drake from his imprisonment; which was read twice, and committed to a Committee of the Whole to-morrow.

Mr. Bassett, from the committee to whom was referred, on the sixteenth instant, the bill sent from the Senate, entitled "An act to reduce the expenses attending the administration of justice in the District of Columbia," reported the bill without amendment.

Ordered, That the said bill do lie on the table

Mr. Bassett, from the same committee, to whom was referred, on the sixteenth instant, the bill supplementary to an act, entitled "An act more effectually to provide for the organization of the militia of the District of Columbia," made a report thereon; which was read, and ordered to lie on the table.

The House resolved itself into a Committee of the Whole on the bill providing for the payment of the expense incurred by the military preparations for the defence of the Territory of Michigan against hostile Indians, in the year one thousand eight hundred and six. The bill was reported without amendment, and ordered to be engrossed, and read the third time to-morrow.

The House resolved itself into a Committee of the Whole on the bill authorizing the settlement of the accounts between the United States and William Eaton. The bill was reported without amendment, and ordered to be engrossed, and read the third time to-morrow.

Mr. Holmes, from the Committee of Claims, presented a bill concerning invalid pensioners; which was read twice, and committed to a Committee of the Whole this day.

A message from the Senate informed the House that the Senate have passed the bill sent from the House, entitled "An act allowing an additional compensation to the Judges of the Mississippi Territory, and extending the right of suffrage therein," with several amendments; to which they desire the concurrence of this House.

An engrossed bill for fortifying the ports and harbors of the United States was read the third time.

Resolved, That the said bill do pass, and that the title be, "An act making further appropriations for fortifying the ports and harbors of the United States, and for building gunboats."

PUBLIC DEBT.

An engrossed bill in addition to the act, entitled "An act supplementary to the act, entitled 'An act making provision for the redemption of the whole of the public debt of the United States," was read the third time, and on the question that the said bill do pass, it was resolved in the affirmative—yeas 89, nays 15, as follows:

Yeas—Willis Alston, jr., Isaac Anderson, John Archer, David Bard, Jos. Barker, Burwell Bassett, Geo. M. Bedinger, Wm. W. Bibb, Barnabas Bidwell, Phanuel Bishop, John Blake, jun., Thomas Blount, Robert Brown, William Butler, George W. Campbell, John Chandler, Martin Chittenden, John Claiborne, George Clinton, jun., Frederick Conrad, Leonard Covington, Ezra Darby, Elias Earle, Peter Early, Ebenezer Elmer, James Fisk, John Fowler, James M. Garnett, Peterson Goodwyn, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, William Helms, James Holland, David Holmes, James Kelly, Thomas Kenan, John Lambert, Edward Lloyd, Duncan MacFarland, Patrick Magruder, Robert Marion, Josiah Masters, William McCreery, David Meriwether, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, Gurdon S. Mumford, Roger Nelson, Thomas Newton, jun., Gideon Olin, John Porter, John Pugh, John Randolph, John Rea, of Pennsylvania, John Rhea of Tennessee, Jacob Richards, John Russell, Peter Sailly, Thomas Sanford, Ebenezer Seaver, James Sloan, Dennis Smelt, John Smilie, John Smith, Samuel Smith, Henry Southard, Richard Stanford, Joseph Stanton, William Stedman, Samuel Taggart, Samuel Tenney, David Thomas, Philip R. Thompson, Thomas W. Thompson, Uri Tracy, Abram Trigg, Joseph B. Varnum, John Whitehill, Robert Whitehill, Eliphalet Wickes, David R. Williams, Marmaduke Williams, Nathan Williams, Richard Winn, Joseph Winston, and Thomas Wynns.

Nays—Silas Betton, Samuel W. Dana, John Davenport, jun., James Elliot, Caleb Ellis, William Ely, Charles Goldsborough, Seth Hastings, David Hough, Jonathan O. Mosely, Jeremiah Nelson, Timothy Pitkin, jun., Josiah Quincy, Benjamin Tallmadge, and Killian K. Van Rensselaer.

The House resolved itself into a Committee of the Whole on the bill to alter and establish certain post roads, and for other purposes; and, after some time spent therein, the Committee rose and reported progress; when the House adjourned.

WEDNESDAY, February 25.

An engrossed bill providing for the payment of the expense incurred by the military preparations for the defence of the Territory of Michigan, against hostile Indians, in the year 1806, was read the third time, and passed.

Mr. JOHN RANDOLPH, from the Committee of Ways and Means, presented a bill making appropriations for carrying into effect certain treaties with the Cherokee and Piankeshaw tribes of Indians; which was read twice, and committed to a Committee of the Whole to-morrow.

Mr. JOHN RANDOLPH, from the same committee, presented a bill to amend the act, entitled "An act to regulate and fix the compensation to clerks, and to authorize the laying out of certain public roads, and for other purposes;" which was read twice, and committed to a Committee of the Whole to-morrow.

The House resolved itself into a Committee of the whole House on the bill making provision for the disposal of the public lands, situated between the United States military tract and the Connecticut Reserve, and for other purposes. The bill was reported with several amendments thereto; which were severally twice read, and agreed to by the House.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time to-morrow.

A message from the Senate informed the House that the Senate insist on their amendments, disagreed to by this House to the bill, entitled "An act to extend the time for locating Virginia Military Warrants, and for returning the surveys thereon to the Secretary of the Department of War." The Senate have passed the bill sent from this House, entitled "An act repealing the acts laying duties on salt, and continuing in force, for a further time the first section of the act, entitled 'An act further to protect the commerce and seamen of the United States against the Barbary Powers,'" with several amendments; to which they desire the concurrence of this House. The Senate agree to the amendments and modification proposed by the joint committee of conference to the amendments of this House to the bill, entitled "An act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, in the year of our Lord one thousand eight hundred and eight," and desire the concurrence of this House therein.

Mr. JEREMIAH MORROW, from the Committee on the Public Lands, made a report on the amendments proposed by the Senate to the bill extending the time for locating Virginia Military Land Warrants, agreeing to some, and disagreeing to others; in which report the House, after a short discussion, concurred.

GENERAL EATON.

The bill authorizing the settlement of the accounts between the United States and William Eaton, was read the third time and passed—ayes sixty-four.

On agreeing to the title—

Mr. JOHN RANDOLPH said he conceived the title to be extremely improper, and he hoped some gentleman would suggest a proper alteration. He believed the bill had passed by surprise. It was not so much a bill to settle the accounts of William Eaton, as to rip up the settled forms of the Treasury, and to transfer the accountable duties of the Treasury to the Department of State. It would be a stain upon the statute book.

The question was then taken on the title; which was agreed to—ayes 63.

PUBLIC LANDS.

Mr. JEREMIAH MORROW, from the Committee on Public Lands, to whom was referred the bill from the Senate to prevent settlements being made on lands ceded to the United States unauthorized by law, reported the same with sundry amendments.

Mr. JEREMIAH MORROW moved the reference of this report to a Committee of the Whole.

Mr. JOHN RANDOLPH hoped the report would not be referred to a Committee of the Whole, as the bill involved no appropriation of money, and as past experience had shown that when the House got into Committee of the Whole, they scarcely knew how to get out of it. Did time admit, he should have no objection to the course proposed. But this was not the case. The bill could be as well discussed in the House as in Committee. He, therefore, trusted it would not be referred to a Committee of the Whole, as that course might defeat its passage this session.

Mr. QUINCY hoped the bill would be referred to a Committee of the Whole, for if there was any bill of importance brought before the House during this session, this was one, which he therefore thought merited a full consideration.

Mr. GREGG said he was indifferent which course was pursued. He agreed that the bill was one of the greatest importance which had been before the Legislature this session. He, indeed, considered it more important than all the rest of the bills. He was, therefore, for giving it a preference over all others. He hoped it would be passed during the session, but still he was willing to afford gentlemen a full opportunity of adducing whatever their ingenuity could suggest.

Mr. SMILIE observed that, in an early period of the session, he should have no objection to this bill going to a Committee of the Whole. But he desired gentlemen to recollect the situation of the House. He understood that there were sixty bills remaining undecided on, many of which it was highly desirable to pass. Only six days of the session remained; there, therefore, was no time to consume in Committees of the Whole. He said he believed the bill, together with the amendments, might receive sufficient consideration without going into Committee of the Whole.

The motion to refer the report to a Committee of the Whole was disagreed to—ayes 30.

POST ROADS.

On motion of Mr. Thomas, the House proceeded to consider the Post Office bill.

The Speaker stated that there was no report from the Committee of the Whole, and that the amendments so largely discussed yesterday were not before the House. The subject was, therefore, in the same situation as before the bill was referred to a Committee of the Whole.

Mr. J. Randolph moved to postpone the bill indefinitely, on the ground that the subject was less important than many others, and the time remaining was not sufficient to despatch all the public business.

This motion gave rise to a debate of considerable length. The motion was negatived—ayes 48, noes 54.

The bill was then again referred to a Committee of the Whole, and the House immediately went into Committee upon it.

The Committee went through the bill and reported it with many amendments. The House proceeded to consider the report, and expunged a large proportion of the amendments.

Mr. J. Randolph observed that this was an extraordinary bill, and was passing in an extraordinary manner. It gave New Hampshire, Massachusetts, New York, and some other Northern States, a large number of post roads, and not one to Virginia. It was not wonderful that this subject was pressed on by certain gentleman. If it would not be considered as too alarming a proof of Virginia influence on this floor, he would propose a new road from Prince Edward county, in the district which he represented, to Petersburg. Mr. R. spoke at considerable length.

Mr. Blount was against the motion, because the gentleman had proved so fully the errors of the bill, that he hoped it would be rejected.

Mr. Lyon said it was the most partial bill he ever knew.

Mr. R. Nelson expressed a wish that the amendment would be rejected. The bill was almost as bad as it could be; he hoped it would be made still worse, and so its rejection insured.

Mr. Blount observed that many large counties in the Southern States had no post roads, while scarcely a town in the Northern States was without one.

Mr. Quincy repelled the suggestion of partiality by recurring to former laws and showing that the Southern States had been previously accommodated better than the Northern States.

Messrs. Smilie, Fisk, Findley, and Masters, spoke. The debate was protracted to a considerable length, but not one word was said as to the amendment proposed; but every observation went to vindicate, repel, or explain, the suggestion of partiality.

The amendment was lost—ayes 35.

Mr. J. Randolph said this was a new sort of political arithmetic. The gentleman from Vermont (Mr. Fisk) had said that three roads were discontinued in that State, and four only established, so that the gain was only one. In Virginia you discontinue four established roads, and give us no new one, though we have claimed several. We must work negative quantities; we are *minus* four. He wished to know how the equation was to be adjusted and managed. Mr. R. concluded a long speech by proposing a new section which went to forbid the carriers of the mail deviating from the old established routes, under penalty of twenty dollars for each offence.

This motion was intended to coerce the mail carriers to go through Colchester, and not through Occoquan, Virginia.

The debate was continued to a considerable length, in course of which, Mr. Randolph pronounced the road police in Virginia to be most detestable.

Mr. Dawson supported Mr. Randolph, and Messrs. Lewis and Quincy replied. As soon as Mr. Randolph had concluded his third speech on the motion, an adjournment was called for and carried—ayes 60.

Thursday, February 26.

An engrossed bill making provision for the disposal of the public lands situated between the United States' military tract and the Connecticut Reserve, and for other purposes, was read the third time, and passed.

Mr. Parke, from the committee to whom were referred, on the twentieth instant, the petition of sundry inhabitants of Randolph county, in the Indiana Territory, made a report thereon; which was read and considered: Whereupon,

Resolved, That it is expedient to divide the Indiana Territory.

Mr. Parke presented to the House a petition of the inhabitants of the Illinois and the village of Peorai, in the Indiana Territory, which was received and read, praying that the Board of Commissioners established at Kaskaskia, may be empowered to examine and decide on their claims to lands in the said Territory, which they have respectively settled and improved.—Laid on the table.

A message from the Senate informed the House that the Senate have agreed to the resolution of this House, of the eighteenth instant, in the form of a concurrent resolution of the two Houses, "authorizing and directing the Secretary of the Treasury to cause to be published the report and chart of the survey of the coast of North Carolina, made by Thomas Coles and Jonathan Price, under the act of Congress, passed at the last session, for that purpose," with several amendments; to which they desire the concurrence of this House. The Senate have passed a bill, entitled "An act in addition to the act to regulate the laying out and making a public road from Cumberland in the State of Maryland, to the State of Ohio," to which they desire the concurrence of this House.

The House proceeded to consider the amendments proposed by the Senate to the resolution of this House, in the form of a concurrent resolution of the two Houses, "to publish the report and chart of the survey of the coast of North Carolina:" Whereupon the said amendments being again twice read, were, on the question severally put thereupon, disagreed to by the House.

The bill sent from the Senate, entitled "An act in addition to the act to regulate the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio," was read twice and committed to a Committee of the Whole to-morrow.

The House resolved itself into a Committee of the Whole on the bill making appropriation for the support of Government during the year one thousand eight hundred and seven. The bill was reported with several amendments thereto; which were ordered to lie on the table.

The House resolved itself into a Committee of the Whole on the bill to amend the act, entitled "An act to regulate and fix the compensation of clerks, and to authorize the laying out of certain public roads, and for other purposes. The bill was reported with several amendments thereto; which were severally twice read, and agreed to by the House.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time to-morrow.

CLAIM OF M. BEAUMARCHAIS.

Mr. HOLMES, from the Committee of Claims, to whom was referred the Message of the President of the United States, transmitting a memorial of the French Minister, on the subject of the claim of Amelie Eugenie de Beaumarchais, heir and representative of the late Caron de Beaumarcahis, made the following report:

This claim was presented to Congress at their last session by the agent of the representative of the late Caron de Beaumarchais, and a report was made thereon by the Committee of Claims, which was not finally acted upon by the Honse. The documents presented with that report, and the memorial of the French Minister, transmitted with the President's Message, contain a full statement of all the material facts and principles involved in the consideration of the case. As the papers accompany the present report, your committee do not deem it necessary to detail particularly the circumstances attending the charge of one million of livres, made of the United States, in their account with Caron de Beaumarchais, (which is the foundation of the present application.) The claimants have uniformly contested the correctness of this charge, declaring that Mr. Beaumarchais had settled with the French Government for the same, conformably to the tenor of his receipt. The substance of this declaration is now confirmed by the French Government, through their Minister, in the following words:

"That the million given on the 10th of June, 1776, to M. de Beaumarchais, was employed in a secret service; that an account of it has been rendered to the King, and approved by him; and that it was not given on account of supplies furnished by the said Beaumarchais to the United States."

The source whence this declaration proceeds renders it unnecessary to allude to any corroborative circumstances in support of the fact; but, as questions of law may arise in investigating the case, your committee think the course most consistent with the principles of justice, to which the United States have always adhered, would be to submit the claim generally to the consideration of the Secretary of State, with instructions to report to Congress at their next session; that he might consult the Attorney General upon any questions of law arising in the course of the investigation, and furnish Congress with any other information that would tend to elucidate the subject. They therefore submit the following resolution:

Resolved, That the Message of the President of the United States, transmitting a memorial of the French Minister on the subject of the claim of Amelie Eugenie de Beaumarchais, legal representative of the late Caron de Beaumarchais, be referred to the Secretary of State, and that he be directed to report thereon to Congress at their next session.

The report was agreed to.

IMPORTATION OF SLAVES.

The bill prohibiting the slave trade, as received from the Senate, was considered. The bill, modified according to the recommendation of the committee of conference, contained a provision forbidding the transportation of slaves coastwise, in vessels under forty tons, with a view to sale.

Mr. EARLY was decidedly hostile to the provision. He spoke at length against it, and in the course of his remarks, he said the door of the bill was wide open to evasion, and it would not prevent the introduction of a single slave.

Mr. J. RANDOLPH extended the arguments of Mr. EARLY. The provision of the bill touched the right of private property. He feared lest, at a future period, it might be made the pretext of universal emancipation. He had rather lose the bill, he had rather lose all the bills of the session, he had rather lose every bill passed since the establishment of the Government, than agree to the provision contained in this slave bill. It went to blow up the Constitution in ruins. Mr. R. said, if ever the time of disunion between the States should arrive, the line of severance would be between the slaveholding and the non-slaveholding States.

Mr. D. R. WILLIAMS spoke vehemently against this provision of the bill. The whole bill was not worth a single farthing. We bawled, said he, Florida! Florida! but you would not listen to us.

[NOTE.—Mr. EARLY had stated that the bill, as drawn, did not forbid the introduction of slaves from Florida.]

Mr. GOLDSBOROUGH vindicated the bill from the objections urged against it, and insisted that the provision in question was both Constitutional and necessary to the successful operation of the bill.

Mr. J. RANDOLPH replied at length. He observed that when the freemen of the Southern States should depend for assistance on the North ern against their slaves, he should despair. All he asked was, that they should remain neutral; that they would not erect themselves into an abolition society. Mr. R. also observed, that he considered it no imputation to be a slaveholder, more than to be born in a particular country. It was a thing with which they had no more to do than with their own procreation.

The debate was further continued by Messrs. **Goldsborough**, **Alston**, and **Sloan**, in favor of concurring with the Senate; and Messrs. **Early** and **Alexander** against it.

The question, after a long debate, was at length taken by yeas and nays, and carried—yeas 63, nays 49, as follows:

Yeas — Willis Alston, jun., John Archer, David Bard, Joseph Barker, George M. Bedinger, Barnabas Bidwell, John Blake, jr., Robert Brown, George W. Campbell, John Chandler, George Clinton, jr., Frederick, Conrad, Orchard Cook, Leonard Covington, Ezra Darby, John Davenport, jr., Ebenezer Elmer, William Ely, William Findley, James Fisk, Charles Goldsborough, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, Seth Hastings, William Helms, David Hough, Nehemiah Knight, John Lambert, Duncan McFarland, Patrick Magruder, John Morrow, Jeremiah Nelson, Gideon Olin, Timothy Pitkin, jun., John Porter, John Pugh, John Rhea of Tennessee, Jacob Richards, John Russell, Peter Sailly, Thomas Sammons, Ebenezer Seaver, James Sloan, John Smilie, Samuel Smith, Henry Southard, Joseph Stanton, William Stedman, Samuel Taggart, Benjamin Tallmadge, David Thomas, Thomas W. Thompson, Philip Van Cortlandt, Joseph B. Varnum, Peleg Wadsworth, John Whitehill, Robert Whitehill, Eliphalet Wicks, Marmaduke Williams, Nathan Williams, and Thomas Wynns.

Nays—Evan Alexander, Burwell Bassett, Silas Betton, William W. Bibb, Thomas Blount, William A. Burwell, William Butler, John Campbell, Martin Chittenden, John Claiborne, Matthew Clay, John Clopton, Samuel W. Dana, Peter Early, James Elliot, John W. Eppes, James M. Garnett, Peterson Goodwyn, David Holmes, John G. Jackson, Walter Jones, Thomas Kenan, Joseph Lewis, jun., Edward Lloyd, Matthew Lyon, Robert Marion, Josiah Masters, William McCreery, David Meriwether, Thomas Moore, Gurdon S. Mumford, Roger Nelson, Thomas Newton, jr., John Randolph, John Rea of Pennsylvania, Thomas Sandford, Martin G. Schuneman, Dennis Smelt, John Smith, Richard Stanford, Samuel Tenney, Philip R. Thompson, Uri Tracy, Abram Trigg, Killian K. Van Rensselaer, David R. Williams, Alexander Wilson, Richard Winn, and Joseph Winston.

The Senate having agreed to the modification, the bill was passed.

DUTIES ON SALT.

The Message from the Senate, stating that they had passed the bill sent from the House for the repeal of the acts laying duties on salt, and for a continuance of the Mediterranean fund until the end of the next session of Congress, with amendments, was considered.

The first amendment of the Senate having been put, Mr. J. **Randolph** called for the yeas and nays.

Mr. **Alston** said if he understood the amendment, instead of repealing the whole duty on salt, it only repealed the duty of 8 cents, and suffered the other duty of 12 cents to remain. He said his opinion was that it would be better to let the Senate reject the bill sent from the House, or pass it altogether. No person could be more anxious to reduce the duty on salt than he was; but he believed if they persisted in the course which they had originally taken, the Senate would recede from their amendment.

Mr. **Olin** said when this subject was on a former occasion before the House, he had declined saying anything. He would now however take the liberty of offering his sentiments on the subject.

This tax, said Mr. **Olin**, may be sport to others, but it is death to us. There is no other article on which duty operates so injuriously. The whole State which I represent, if you deprive them of salt, will not be worth a cent. We can neither raise stock nor plough the soil without the aid of salt. When this article is so necessary to the existence of the nation, I am at a loss to know how any gentleman can be in favor of its being a dutied article. Its original value in the foreign market is about 12 cents a bushel; the duty upon it is consequently 160 per cent. Where in our catalogue of imported articles can we find any one so highly dutied? Some gentlemen have however informed us, that considerable duties are paid on tea, coffee, and sugar, in Boston, and other Atlantic towns in the United States, but do not gentlemen know that these articles are also consumed in other places. I will ask gentlemen also whether this is an equal tax, as on the seashore there is scarcely any occasion for it, while in the interior it is absolutely indispensable. If salt was free as air with us, the net proceeds of our stock would be one-fourth greater than it is at present. Mr. O. here mentioned the enormous price which had been at particular periods paid for this article; and observed that he had seen fourteen bushels of wheat, and even a good cow, given for a single bushel of salt!

The gentlemen talk of war. If war is to happen, it will in my opinion be better to lay out money for establishing a magazine of salt, than gunpowder. We ought never to pay a tax on any real necessary brought into the country; and yet we have imposed upon salt about eight times the usual tax. This tax is peculiarly unequal. You may take one-third of the nation, and you will find it pays three-fourths of the whole tax. Before it is used by the consumer, it is sold three or four times, and every seller puts an additional premium on it. In the State I represent, we consume about 200,000 bushels, the duty on which, from what I have observed, may be estimated at nearly 50 cents; from which, making a proper deduction, there will still remain a tax of $80,000 while the whole civil list of the State does not amount to $20,000. Feeling as I do, I wish the House to adhere to their bill, and run the risk of the Senate giving way.

The question was then taken by yeas and nays on concurring in the first amendment of the Senate —yeas 15, nays 89, as follows:

YEAS—George Clinton, jun., Richard Cutts, Samuel W. Dana, John Davenport, jun., John Fowler, Isaiah L. Green, Seth Hastings, Patrick Magruder, Josiah Masters, Josiah Quincy, John Russell, Thomas Sammons, David Thomas, Uri Tracy, and Philip Van Cortlandt.

NAYS—Willis Alston, jun., Isaac Anderson, John Archer, David Bard, Joseph Barker, Burwell Bassett, George M. Bedinger, Silas Betton, William W. Bibb, Barnabas Bidwell, John Blake, jun., Thomas Blount, Robert Brown, William A. Burwell, William Butler, John Chandler, Martin Chittenden, John Claiborne, Frederick Conrad, Ezra Darby, John Dawson, Elias Earle, Peter Early, James Elliot, Caleb Ellis, Ebenezer Elmer, William Ely, William Findley, James Fisk, James M. Garnett, Charles Goldsborough, Peterson Goodwyn, Andrew Gregg, Silas Halsey, James Holland, David Holmes, David Hough, James Kelly, Thomas Kenan, Nehemiah Knight, John Lambert, Joseph Lewis, jun., Henry W. Livingston, Edward Lloyd, Duncan McFarland, Robert Marion, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Jonathan O. Mosely, Gurdon S. Mumford, Jeremiah Nelson, Thomas Newton, jun., Gideon Olin, Timothy Pitkin, jun., John Porter, John Pugh, John Randolph, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Peter Sailly, Martin G. Schuneman, Ebenezer Seaver, James Sloan, Dennis Smelt, John Smilie, John Smith, Samuel Smith, Henry Southard, Richard Stanford, Joseph Stanton, William Stedman, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, Philip R. Thompson, Thomas W. Thompson, Joseph B. Varnum, Peleg Wadsworth, John Whitehill, Robert Whitehill, Eliphalet Wickes, David R. Williams, Marmaduke Williams, Richard Winn, Joseph Winston, and Thomas Wynns.

The second amendment of the Senate, to strike out the second section, was disagreed to without a division.

The third amendment of the Senate proposed to continue the Mediterranean fund until the 31st of December next, instead of continuing to the end of the next session of Congress.

Mr. J. RANDOLPH said, he did not see the purpose for which this amendment was made. He believed it was no part of the intention of the Senate to relieve the public burdens. He hoped the bill would be suffered to die a natural death.

Mr. GOLDSBOROUGH thought the amendment of the Senate correct. His idea was not to impose burdens unnecessarily on the people.

A concurrence in this amendment was agreed to—ayes 33.

Mr. J. RANDOLPH.—I will now move that the House insist on their disagreement to the amendments of the Senate. Gentlemen will recollect to have heard it assigned as a good reason for voting against an increase of the military force, that it involved new burdens on the people. The House ought to be hostile to such a measure emanating from the Senate. It appeared to me at the last session, and a more mature consideration confirms me in the opinion, that according to the true construction of the Constitution, the Senate have not a right to add to the burdens of the United States. They have no right to originate bills for raising revenue; but if you send them a bill for raising a limited revenue on particular articles, if they have a right to amend it, by adding a million derived from other articles, then the right of this House to originate money bills is altogether an illusory provision. The taxes too are imposed on the people, and not on the States, which the Senate represent. They are the grant of the people alone, and it is competent to this House, and to no other body, to add one single cent to the burdens of the people. They are our free gift and grant, and as such may be acceded to by the other co-ordinate branches of this Government. But if they do not accept what we offer, they cannot modify it so as to affect the quantum of tax, or the object of taxation. I know that to the Senate is reserved the power of amending money bills; but a fair construction of this provision will confine it to the details of the bill, and restrain them from affecting the leading principles; the quantum of tax or its objects. For if they possess the power of varying the objects or altering the quantum, the power reserved to this House is illusory. My distinction is not supported by prevarication or quibble, but on sound principles of common sense. The power was put into our hands, because the convention knew that although they established a confederated government, that the burdens were to fall on the people, and not on the States; and that, therefore, the Representatives of the people and not of the States had a right to originate them.

I am glad to find the temper of the House so favorably changed from the last session. I would rather see this bill stand as it is, than that the duty of eight cents only should be taken off. You, Mr. Speaker, must recollect the manner in which those eight cents were laid on; and the persons by whom they were laid on. The tax was imposed at the latter end of the session when there was a thin House, after a previous attempt to increase the duty had been rejected, and when many members in unsuspicious confidence had left their seats. It was passed like some other bills—like some bills passed this session, because members quitting their great duties on this floor, suffer important laws to be passed, unmindful of their contents, while they are writing letters and reading newspapers.

I understand that it has been urged as a reason for continuing this duty of twelve cents on salt, that it is pledged for the payment of the public debt. I thought the point had been settled on the repeal of the internal taxes, and that we had then established the principle that it was our duty only to provide the means for paying that debt. I should indeed feel ashamed, if, after six years, in the first of which we repealed all the internal taxes, the only boon given to our constituents should be to take off merely the duty of eight cents on salt, a tax originally laid by chicane. In relation to the duty on salt, and the propriety of dispensing with it now, I wish the House to keep in mind one important fact, which I hope the people will never lose sight of—that supposing the expenses of Government remain nearly stationary, such is our augmentation of revenue from the increase of wealth and population of the nation, that the people have a right to expect to be relieved in proportion to the existing taxes. If in twenty years our resources double, surely the people would have a right to expect that half the amount of duties would be taken off—not only because the money would not be wanted, but for another most important reason: In proportion to the increase of population, is the difficulty of procuring subsistence; and if at present a man in America, where, thank God! we have elbow room, can afford to pay a tax of one dollar, when our population becomes as thick as that of China, we cannot afford to pay so much. I have no more to say, than to hope that we shall set the Senate an example, which I am sorry we did not set them the last year, to convince them they have no right to dictate to this nation the quantum of tax to be levied, or its objects. Sooner than admit this principle, I would vote a tax five times the amount, provided it originated exclusively from the proper source.

Mr. Alston.—Lest it should be supposed I give my vote on this occasion for the reasons assigned by the gentlemen from Virginia, I will state them to the House. Is it possible that it can be conceived by any man that the Senate do not posses the power they have exercised in this instance? Do they propose to add a single cent, to the burdens of the people or to the revenue? You propose to take off the whole duty on salt, while they propose to take off only eight cents. On the other hand, you propose to take off the Mediterranean fund, not until the end of the next session of Congress, while they propose to take it off on the 31st of December. Where then is the inroad of the Senate upon your Constitutional power, which is so much talked of? I for one am not sorry that I voted at the last session to recede from our disagreement with the Senate on this subject. But what has that to do with this question? The only question then was, whether we should continue for one year the Mediterranean fund. Under existing circumstances, I contend that that was a good vote—a vote which has enabled us to meet internal and external danger, and which enables us now to dispense with the whole duty on salt. I am glad I voted as I did, and I wish the nation to know it. My mind has undergone no change since the close of the last session. I have the same impressions now that I had then. If the Senate attempt any innovation, I shall be as ready as any man to repel it, but it is impossible for any man under heaven to think this such.

Mr. J. Randolph called for the yeas and nays.

Mr. Smilie said he felt much mortification on this occasion. If any gentleman were disposed to make a popular harangue this was doubtless a proper occasion; but——

Mr. Basset asked whether these remarks were in order—whether any question were depending.

Mr. Speaker said the motion to insist was sometimes made in this stage, although the general course was to advise the Senate of the disagreement of the House to their amendments.

Mr. J. Randolph withdrew the motion to insist.

Mr. Thomas renewed it to give the gentleman from Pennsylvania an opportunity to be heard.

Mr. Smilie said he had taken it for granted, as the gentleman from Virginia had been heard on a motion before the House, he had a right to be heard in reply. He did not, however, at that late period of the session rise to waste the time of the House. He had already observed that the subject before them was a very good one for any gentleman who wished to make a popular speech; but, he would ask, whether entering into a discussion of the rights of the Senate was faithfully discharging their public duty at such a time? For himself he had no disposition to quarrel with the Senate. He thought harmony between the two branches essential to the public good. We have now sixty-four bills before us. Are gentlemen serving the country when they are making long speeches upon such an occasion? We ought now, I think, to proceed with the public business, and hold our tongues as much as possible; and at all events to suspend long speeches until the next session.

Mr. Rhea, of Tennessee.—As to what has fallen from the gentleman from Pennsylvania, I will only say, that I trouble the House as little as any member on this floor. With regard to the remarks of the gentleman from Virginia, it was with surprise that I heard the proceedings of the last session brought into view. At that time I was opposed to repealing the duties on salt. My reason was, that the information on which it was founded did not come from the proper source. This inclined me to think, that the proceeds of that tax might be necessary for public service. That impression is now removed, and I shall, therefore, vote for the repeal. I then held the doctrine, and I still continue to hold it, that if this House send to the Senate a bill to raise revenue, they have a power to assent or not to assent to it. If they do not possess this power they are a useless body. I did not say they had power to originate money bills: I only contended that they had the power to say whether they would repeal or not a bill relating to revenue. The contrary doctrine I have never heard preached before this day; and I hope never again to hear it contended for. As to the observations of the gentleman with regard to passing laws in a thin House, when the Journals go out to the nation, my name will be found at every question taken.

Mr. J. Randolph.—Notwithstanding the rebuke which the House has received from the gentleman from Pennsylvania, I must conceive myself at liberty to say something on it, when the gentleman himself, in order to entitle himself to the right of debate, had to get a friend to renew the motion. I do not blame the gentleman for renewing the motion; on the contrary, had I known the gentleman wished to say anything, I should not have withdrawn it. My reason for withdrawing it was the fear that the Senate would give us an adhering vote. If, instead of sixty, there were sixty thousand bills on our table, I should feel myself justified, if it were in the last half hour of the session, in entering my protest against what I considered an unconstitutional exercise of power, even by this House, and if so, how much more justified am I, as one of the Representatives of the people, in opposing such an unconstitutional grasp of power by the other branch. But it seems that the gentleman from Pennsylvania does not consider this grasp of power as unconstitutional, and his creed, like that of Athanasius, is infallible. Every man who disbelieveth is damned. Let the gentleman, if he pleases, say he does not believe as other gentlemen do. and therefore he will not vote with them; but don't let him, in his canonicals, come forward and impose his belief on the House. So far from considering it an unnecessary consumption of time, to inquire into great Constitutional questions, I do think that this species of discussion tends more to the public good than any other exercise of our freedom of speech to the public good. Shall we sit here discussing bills for days for the relief of William Eaton and Oliver Pollock, and when great Constitutional questions present themselves, vote by ayes and noes?

Before I sit down, I will observe, that when I spoke of the absence of members, I alluded to times before the gentleman from Tennessee or myself had a seat on this floor; nor can the House imagine that, when I spoke of such a change of temper, I thought of this member or that. I spoke of the temper of the House generally, and not of any particular members, whom I scarcely think of in the House, or out of it. Had we exercised the last year the same firmness, as I trust we shall exercise this year, we should have got rid of the tax.

My opinion is, that continuing the Mediterranean fund is as much originating a tax as if a special bill imposing a new tax were passed; and as the Senate have no right to originate money bills in the first instance, I say they have no right by prevarication or circumvention, under the cover of repealing a tax on salt, to continue the duties which constitute the Mediterranean fund. This House has said we will give the Mediterranean fund in lieu of the salt tax. The Senate say they will take twelve-twentieths of the salt tax likewise. We have a right, as Representatives of the people, to say that we will not give a single cent more than we have already yielded. This is my ground. It may, in the opinion of some gentlemen, be untenable; but believing it to be a great Constitutional question, I will contend for it with my last breath. It has been suggested to me by the gentleman from Georgia, that if the motion to insist be withdrawn, he will move to adhere.

Mr. Lyon contended for the right of the Senate to exercise the power assumed by them on this occasion.

Mr. Thomas.—I renewed the motion to insist, that the gentleman from Pennsylvania might have an opportunity to reply; but as I do not think the orderly course of procedure between the two Houses on a disagreement of votes either to resolve to insist or adhere, but to send back the bill with our non-concurrence in their amendments; being in favor of this course on this occasion, I will withdraw my motion to insist.

Mr. Early.—I am glad the gentleman has withdrawn this motion, as I have been of opinion from the commencement of this discussion that the proper motion was to adhere, because I think that motion will bring the subject before the two Houses to a point. If we resolve to adhere, there will be an end of the present consumption of time. Whereas, if we do not resolve to adhere, we shall put ourselves in the power of the other branch of the Legislature. If we insist, the other branch may resolve to adhere; or suppose we only send them our disagreement to their amendments, and they adhere—where are we? Either course would put the House at the mercy of the other branch of the Legislature. I hope that the House will adhere. I wish to see whether the House is determined to adhere at all events; for this purpose I move that the House adhere, and call for the yeas and nays.

Mr. Lyon opposed adhering; although willing to go every proper length to bring the Senate to a concurrence, he was for doing it in a complaisant way.

Mr. R. Nelson was really not a little astonished to behold so sudden a change as he had frequently seen in the course of the session in the opinion of members, and of which he was a little apprehensive in this case. He would ask what reason had occurred to induce them to change their opinion, since this subject was before under discussion. How this out-of-door business was managed he could not tell. It was such, however, as, if persisted in, would ruin the nation. After a full expression of sentiment, placed on record, a night intervenes, and gentlemen come next morning and vote directly different from their votes of the day preceding. A lamentable instance of this had occurred in the case of the Post Office bill. He would repeat it, what had had turned up to make the House give a different vote from that given on the original bill? He hoped the House would adhere. He believed it would be good policy to do so. He seemed inclined to think the Senate had stepped out of their proper orbit in proposing these amendments. If the Senate could exercise such a power, there was an end to the Constitutional provision on the subject of money bills.

Mr. Quincy said that the principle laid down by the gentleman from Virginia did not apply. They had sent a bill to the Senate repealing two acts imposing duties on salt, and for continuing the Mediterranean fund. The Senate have agreed to repeal one of the acts laying a duty on salt, but refused to repeal the other, proposing at the same time to continue the Mediterranean fund for a shorter time. How then can gentlemen say, that here is a Constitutional invasion of our powers by the Senate? If we had sent separate bills, could any gentleman say that they had a right to agree to the one and not to the other? And they had surely the same right, when both objects were inserted in one bill.

Mr. Smilie said he believed there was little difference in the House on this subject, and he had therefore thought it unnecessary to say anything on it. He hoped they would all agree to adhere.

Mr. **Rhea**, of Tennessee, repeated that he was in favor of adhering; not however under any impression that there was any force in the arguments of the gentleman from Virginia relative to the alleged assumption of power by the Senate. It was true that the right of originating money bills was exclusively vested in the House; but it was equally true that the Senate had the right to modify or amend them; and in the present case, the argument was exceedingly misplaced, as instead of prolonging, they had shortened the continuance of the duties.

Mr. **Goldsborough.**—The House have determined to disagree to the amendments of the Senate, and the motion now made is to adhere to our original bill. According to the usages between the two bodies, it is common, in this stage of the business, to appoint a committee of conference; but if the object, by adhering, be to waive all committees of conference, I approve of it. And if it be meant, when the House is full, to counteract any vote that might be given by a smaller number, I equally approve it. My opinion is that the salt tax operates oppressively upon the country, and I am therefore for repealing it; and my only reason for continuing the Mediterranean fund is, that it releases the country from this tax.

The question was then taken by yeas and nays, on adhering to the original bill, and carried—yeas 93, nays 20, as follows:

Yeas—Evan Alexander, Willis Alston, jr., Isaac Anderson, John Archer, David Bard, Joseph Barker, Burwell Bassett, George M. Bedinger, Silas Betton, William W. Bibb, Barnabas Bidwell, John Blake, jr., Thomas Blount, Robert Brown, William A. Burwell, William Butler, John Campbell, John Chandler, Martin Chittenden, Mathew Clay, Frederick Conrad, Richard Cutts, Ezra Darby, John Dawson, Elias Earle, Peter Early, James Elliot, Caleb Ellis, Ebenezer Elmer, William Ely, John W. Eppes, William Findley, James Fisk, James M. Garnett, Charles Goldsborough, Peterson Goodwyn, Andrew Gregg, Silas Halsey, John Hamilton, Wm. Helms, James Holland, David Holmes, David Hough, Walter Jones, Thomas Kenan, Nehemiah Knight, John Lambert, Joseph Lewis, jun., Henry W. Livingston, Edward Lloyd, Duncan McFarland, Robert Marion, David Meriwether, Thomas Moore, Jeremiah Morrow, John Morrow, Jonathan O. Mosely, Jeremiah Nelson, Roger Nelson, Gideon Olin, Timothy Pitkin, jr., John Pugh, John Randolph, John Rea, of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Martin G. Schuneman, Ebenezer Seaver, James Sloan, Dennis Smelt, John Smilie, John Smith, Samuel Smith, Henry Southard, Richard Stanford, Joseph Stanton, William Stedman, Samuel Taggart, Benjamin Tallmadge, Philip R. Thompson, Thomas W. Thompson, Abram Trigg, Joseph B. Varnum, Peleg Wadsworth, John Whitehill, Robert Whitehill, David R. Williams, Marmaduke Williams, Alexander Wilson, Richard Winn, and Joseph Winston.

Nays—John Claiborne, Orchard Cook, Samuel W. Dana, Isaiah L. Green, Seth Hastings, Matthew Lyon, Josiah Masters, William McCreery, Gurdon S. Mumford, Thomas Newton, jr., Josiah Quincy, John Russell, Peter Sailly, Thomas Sammons, Samuel Tenney, David Thomas, Uri Tracy, Philip Van Cortlandt, Matthew Walton, and Eliphalet Wickes.

A short time after, a message was received from the Senate, stating that they had considered the disagreeing votes of the two Houses on this bill, and had resolved to adhere to all their amendments.

As the vote to *adhere* is final, and has in this instance been passed by both Houses, *the bill is lost.* The consequence is, that the duties composing what is called the Mediterranean fund will cease with the present session, and the duties on salt be continued.

Friday, February 27.

An engrossed bill to amend the act, entitled "An act to regulate and fix the compensation of clerks, and to authorize the laying out of certain public roads, and for other purposes," was read the third time, and passed.

The House resolved itself into a Committee of the Whole on the bill for relief of Oliver Pollock. The bill was reported without amendment and ordered to be engrossed, and read the third time this day.

A message from the Senate informed the House that the Senate have passed the bill sent from this House, entitled "An act making appropriations for finishing the South wing of the Capitol, and for other purposes," with several amendments; to which they desire the concurrence of this House.

IMPORTATION OF SLAVES.

Mr. J. **Randolph** made an animated speech in order to show that the eighth section of the act prohibiting the importation of slaves into the United States involved the exercise of a power not possessed by Congress, which was subversive of the rights of property of the holders of slaves, and which might eventuate in their general emancipation; and concluded by asking leave to present a bill to explain and amend that act.

After some remarks from Messrs. **Goldsborough**, **Quincy**, **Lyon**, **Fisk**, and **Smilie**, Mr. J. **Randolph**, varied his motion, so as to appoint a committee to bring in a bill. This motion was agreed to—yeas 61.

A short time after, Mr. **Randolph** presented from the committee the following explanatory act.

"Whereas doubts have arisen, or may arise, touching the construction of the eighth section of the act of which this act is explanatory, and whereas Congress disclaim and disavow all Constitutional right, title, or authority whatsoever, by any legislative act, in any wise to abridge, modify, or affect the right of property of masters of slaves, not imported into the United States, contrary to law, in and to such slaves; therefore.

"Sec. 1. *Be it enacted, by the Senate and House of Representatives of the United States of America, in Congress assembled,* That nothing contained in the eighth or any other section of the aforesaid act, shall be construed to abridge, modify, or affect, in any manner whatever, the full, complete, and absolute right of property of the owner or master of any slave, such slave not being imported contrary to law, in and to such slave; and such owner, or master, as aforesaid, shall not be subjected to any disability, or liable to any fine, or forfeiture, although such master, or owner, or his or her agent, may have transported any such slave, not being imported contrary to law, with intent to sell the same, from one port or place within the United States, to any other port or place, in a vessel of less burden than forty tons."

The act, having been read twice, Mr. J. RANDOLPH moved that it be engrossed for a third reading.

Mr. QUINCY moved its reference to a Committee of the Whole.

Mr. J. RANDOLPH warmly opposed this motion. He set forth the deep stake the Southern States had in immediately arresting the invasion of their rights made by the eighth section, and the consequent necessity of passing the explanatory law this session, which would not be done, unless it passed the House without delay, as it was in the power of a single member of the Senate to prevent the passage of a bill unless read on three several days. He added that he trusted, if this bill did not pass, that the Virginia delegation would wait on the President, to remonstrate against his giving his sanction to the act which had passed.

Messrs. FISK, QUINCY, THOMAS, and RHEA of Tennessee, advocated the reference of the bill to a Committee of the Whole, and its being printed, previously to consideration. They expressed their willingness to agree to any proposition, that should not go to hazard the great objects of the bill passed by the two Houses; but their indisposition to act precipitately on a subject of so much importance.

The question was then taken on referring the bill to a Committee of the Whole; and carried—yeas 58, nays 40.

Mr. J. RANDOLPH moved that it be made the order for this day.

A motion was also made to make it the order for to-morrow.

On this last motion the yeas and nays were taken, and were yeas 60, nays 49, as follows:

YEAS—Willis Alston, junior, David Bard, Joseph Barker, George M. Bedinger, Silas Betton, Barnabas Bidwell, John Blake, junior, Robert Brown, John Chandler, Martin Chittenden, Frederick Conrad, Orchard Cook, Richard Cutts, Ezra Darby, John Davenport, junior, William Ely, William Findley, James Fisk, Charles Goldsborough, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, Seth Hastings, William Helms, David Hough, Nehemiah Knight, John Lambert, Duncan McFarland, Josiah Masters, Nicholas R. Moore, Jeremiah Morrow, John Morrow, Jonathan O. Mosely, Gurdon S. Mumford, Jeremiah Nelson, Gideon Olin, John Porter, John Pugh, Josiah Quincy, John Rhea of Tennessee, Jacob Richards, John Russell, Ebenezer Seaver, James Sloan, John Smilie, Samuel Smith, Henry Southard, Joseph Stanton, William Stedman, Samuel Taggart, Benjamin Tallmadge, David Thomas, Thomas W. Thompson, Uri Tracy, Joseph B. Varnum, John Whitehill, Robert Whitehill, Eliphalet Wickes, and Marmaduke Williams.

NAYS—Evan Alexander, Isaac Anderson, John Archer, Burwell Bassett, William W. Bibb, Thomas Blount, William A. Burwell, William Butler, John Campbell, John Claiborne, Matthew Clay, John Clopton, Leonard Covington, John Dawson, Elias Earle, Peter Early, John W. Eppes, John Fowler, James M. Garnett, Peterson Goodwyn James Holland, David Holmes, Walter Jones, James Kelly, Thomas Kenan, Joseph Lewis, junior, Edward Lloyd, Matthew Lyon, Patrick Magruder, Robert Marion, William McCreery, Thomas Moore, Roger Nelson, Thomas Newton, jun., John Randolph, Thomas Sammons, Thomas Sandford, Martin G. Schuneman, Dennis Smelt, John Smith, Richard Stanford, Samuel Tenney, Philip R. Thompson Matthew Walton, David R. Williams, Nathan Williams, Richard Winn, Joseph Winston, and Thomas Wynns.

DUTIES ON SALT.

The House having agreed to consider the report of the Committee of the Whole on the general appropriation bill—

Mr. ALSTON said, he was of opinion that the vote of adherence given yesterday was precipitate. When they voted to adhere, he believed they had done that for which there was no example. To show the House the object which he had in view, he was for recommitting this bill to a Committee of the whole House. He would read a motion which he then meant to make, which he thought would meet with the approbation of the Senate; which was, to vary the provisions of the bill, which had been lost, so that the duty of eight cents on salt should be discontinued on the first of July, that of twelve cents on the first day of January next, and the Mediterranean fund on the first day of January. His motion would also embrace two provisions, without which it would have been difficult to have carried the bill into effect.

Mr. J. RANDOLPH hoped that the bill would not be recommitted. We have proposed, said he, to take the existing duty from salt; and the Senate have rejected our proposition. If any proposition is to be made on this subject, it ought to come from that House. I have, indeed, heard that such a proposition will come from that quarter. If, however, we pass any such thing, I hope it will be done in its proper place. If the House are disposed to pass a similar bill to that which has been lost, I have no objection to it.

Mr. ALSTON said, he thought it more decorous in the House, as they had given the first vote to adhere, to make this attempt, than to expect it from the Senate.

Mr. BIDWELL said, if in order, he hoped the motion to commit would prevail; as the object seemed extremely desirable to a large majority of the House. He would rather it had been made the subject of a separate bill; but, from the extreme lateness of the season, it might be best to introduce it into this.

Mr. EPPES said, it appeared to him a new thing to see such a motion introduced into the general appropriation bill. He was not, indeed, ready at once to say, whether it was correct to originate such a bill, after the principle contained in it had been rejected. He would rather see the object provided for in a separate bill, for the passage of which ample time remained.

Mr. **Smilie** said, the bill was, in substance, different from that which had been lost. He, therefore, considered the motion in order.

Mr. **Burwell** said, as there was a difference of opinion, he hoped gentlemen would not press the present motion, but move for leave to bring in a distinct bill. He confessed he felt reluctance in going home, after losing a million of dollars, and continuing the most oppressive tax in force in the United States. It appeared to him that the object of the present motion was essentially different from that which had been lost. This proposed a gradual, that a total repeal. He thought, therefore, the motion strictly in order; but, for the reasons which he had assigned, he hoped the mover would withdraw it, and obtain leave to bring in a new bill.

On recommitting the appropriation bill to a Committee of the Whole, the House divided—ayes 39, noes 53.

The report of the Committee of the Whole, to the appropriation bill, was then considered, and the bill ordered to be engrossed for a third reading.

At a subsequent period of the morning, Mr. **Alston** moved for leave to bring in a bill to repeal the additional duty of eight cents on salt, after the first day of July, and the duty of twelve cents after the first day of January; and to continue the Mediterranean fund until the first day of January.

On motion of Mr. **Quincy**, the rule of the House was read, requiring all motions involving leave to bring in bills to lie for a day.

At the instance of Mr. **D. R. Williams**, the rule was likewise read, directing the reference of all subjects relative to the finances, to the Committee of Ways and Means.

Mr. **Eppes** said, if the House adhered rigidly to their rules, it appeared to be necessary, in the first instance, that there should be notice given of such an application; and, secondly, that the subject should be referred to the Committee of Ways and Means. But there had already been several instances in which these rules had been deviated from; there was also a peculiar reason for the subject not going to the Committee of Ways and Means, which was, that that committee had already acted upon it. However, if the members of the Committee of Ways and Means were friendly to the object, and could bring in a bill today, he should have no objection to referring the resolution to them. But there was a greater probability of getting the bill reported by referring the resolution to a select committee.

On motion of Mr. **J. Randolph**, that part of the communication of the Secretary of the Treasury that relates to continuing the Mediterranean fund, and to the repeal of the salt tax, was read.

Mr. **Quincy** said, in this case, he insisted on an adherence to the rule of the House, which required a day's previous notice.

Mr. **Varnum** observed that it was the practice of every day to give leave to report by bill without a day's notice.

Mr. **Quincy** read the rule, already cited, and another rule requiring one day's notice to rescind a standing rule of the House.

The **Speaker** said, if an adherence to the rule was insisted upon, the motion must lie for a day.

Mr. **Eppes** said, he felt respect on all occasions for the decision of the Chair; but, as the present decision was variant from the practice of the House, as it was even variant from the practice of that day, he felt himself under the necessity of appealing from it.

Mr. **Alston** proposed to modify the motion, so as to refer it to a select committee, to inquire into the expediency of reducing the duties on salt, &c., "with authority to report by bill, or otherwise."

Mr. **Eppes** withdrew his motion for an appeal, in order to allow the gentleman from North Carolina so to modify his motion.

Mr. **John Randolph** renewed it, and said he should vote in favor of the decision of the Chair.

Mr. **Gregg** inquired, whether it was not in order to amend the resolution?

The **Speaker** said it was not, after an appeal had been made.

The question depending was on the appeal.

Mr. **John Randolph** called for the yeas and nays.

The question was then taken—"is the decision of the Chair in order"? by yeas and nays—yeas 91, nays 9, as follows:

Yeas—Evan Alexander, Isaac Anderson, John Archer, Burwell Bassett, George M. Bedinger, Silas Betton, William W. Bibb, Barnabas Bidwell, John Blake, jr., Thomas Blount, Robert Brown, William Butler, John Campbell, John Chandler, Martin Chittenden, John Claiborne, John Clopton, Richard Cutts, Ezra Darby, John Davenport, jr., Elias Earle, Peter Early, William Ely, William Findley, James Fisk, John Fowler, James M. Garnett, Charles Goldsborough, Peterson Goodwyn, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, Seth Hastings, William Helms, James Holland, David Holmes, David Hough, John G. Jackson, Walter Jones, James Kelly, Thomas Kenan, John Lambert, Joseph Lewis, jun., Henry W. Livingston, Robert Marion, Josiah Masters, Thomas Moore, Jeremiah Morrow, Jonathan O. Mosely, Gurdon S. Mumford, Jeremiah Nelson, Thomas Newton, junior, Timothy Pitkin, jr., John Pugh, Josiah Quincy, John Randolph, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, John Russell, Thomas Sammons, Thomas Sandford, Martin G. Schuneman, Ebenezer Seaver, Dennis Smelt, John Smilie, John Smith, Henry Southard, Richard Stanford, Joseph Stanton, William Stedman, Samuel Taggart, Benjamin Tallmadge, David Thomas, Philip R. Thompson, Thomas W. Thompson, Uri Tracy, Abram Trigg, Philip Van Cortlandt, Matthew Walton, John Whitehill, Robert Whitehill, Eliphalet Wickes, David R. Williams, Marmaduke Williams, Nathan Williams, Alexander Wilson, Richard Winn, Joseph Winston, and Thomas Wynns.

Nays—David Bard, William A. Burwell, Frederick Conrad, Leonard Covington, John Dawson, John W. Eppes, Patrick Magruder, James Sloan, and Samuel Smith.

Mr. JACKSON then offered the following resolution:

Resolved, That a committee be appointed to inquire into the expediency of reducing the duty on salt, and to continue in force the Mediterranean fund, for a limited time, to report by bill or otherwise.

The SPEAKER said there was a resolution to the same effect then before the House, and it was, therefore, not in order to receive one of the same nature.

Mr. ALSTON withdrew his motion.

Mr. QUINCY asked whether, in point of order, the member could withdraw his motion at this stage of the business?

The SPEAKER said the member had a right to withdraw the resolution.

Mr. QUINCY said, the second resolution amounted to exactly the same thing with the first. The object of both was to bring in a bill.

Mr. JACKSON said, he agreed to expunge the words, "report by bill or otherwise."

Mr. J. RANDOLPH asked, if the motion of the gentleman from North Carolina were withdrawn, how the yeas and nays on the appeal from the decision of the Chair could appear on the Journal? The motion must be entered on the Journal.

The SPEAKER, after having read several rules of the House, declared the motion in order.

The House having agreed to consider the resolution offered by Mr. JACKSON,

Mr. EPPES called for the yeas and nays on agreeing to it.

Mr. QUINCY called for a division of the question. Though it might be proper to refer the resolution, yet, in his opinion, the reference to a select committee was improper.

Mr. Q. afterward said, he would vary his motion, and call for a division of the question at the word "salt."

Mr. JACKSON hoped the yeas and nays would be taken on every question which the gentleman from Massachusetts, or the chairman of the Committee of Ways and Means, might make to embarrass the main object.

Mr. QUINCY said, as to the idea thrown out of an intention to embarrass the proceedings of the House, he meant to exercise his Constitutional privilege for the benefit of his country, and in the assertion of his sentiments. He wished his ideas on this subject to appear on the Journals.

Mr. J. RANDOLPH.—Certainly, sir, I am very far from wishing to have this resolution referred to the Committee of Ways and Means. If I had wished it, I should have made a motion to that effect, or have found as much interest in the House as to have got some friend to make it. I do trust, however, that as long as there shall exist a Committee of Ways and Means in the House, and as long as I shall be in anywise connected with that committee, there will be devolved on them purposes much more worthy than that devolved by this resolution. The Committee of Ways and Means reported substantially such a bill as that proposed by the resolution. That bill has been rejected by the other branch of the Legislature, and now it is proposed to go through the miserable farce of appointing a Committee of Inquiry. For such profound inquiries, the capacities of the members of the Committee of Ways and Means are unfit; and I have not the smallest desire to participate in the glory or (as I take it) the discredit of such a motion. It appears to me that the motion before the House is nothing more or less than a prologue to the same miserable farce of tergiversation relative to the salt tax and the Mediterranean fund played over the last session. Their high mightinesses, the Senate——

The SPEAKER said it was not in order to make such allusions to the Senate.

Mr. RANDOLPH.—Elevated above us by a tenure of six years in office, and by being few in number, they are sullenly or pettishly to reject our bills, and then you are to coax them into a change of opinion, that, by a stern and aristocratical pride, they may saddle the nation, not only with the Mediterranean fund, but likewise with the salt tax. If gentlemen will bring in one bill for taking off the salt tax, and another for continuing the Mediterranean fund, I will vote with them, if the measure can be done with credit to our country. I understand that it is because these measures have been mixed that we have been so treated. If the Senate will descend from their supercilious elevation——

The SPEAKER again interrupted Mr. RANDOLPH.

Mr. RANDOLPH.—I am not willing to court the Senate. I respect them as our equals—as a coordinate branch of the Legislature—not on account of their numbers, or the period for which they are elected. Standing here as the representative of the people, I consider the dignity of this House dearer than anything else, and that it cannot be separated from the honor and happiness of the nation.

Now for the point of responsibility. Last session we passed a bill on the subject. The Senate sent it back. We showed a kind of resistance, but the nation was eventually saddled with both the salt tax and the Mediterranean fund. At this session we have done the same thing. We sent a similar bill to the Senate—passed by an almost unprecedented majority—passed on the recommendation of the Chief Magistrate. The Senate send us back this bill. They take the responsibility on themselves, and on their shoulders let it be. Let us not step forward to relieve them from the responsibility of having twice refused its passage. I said it was passed on the recommendation of the Chief Magistrate—not that that consideration had any influence on my vote. I should have voted for it, had I stood alone.

When I examine the fiscal arrangements of the Government, I do not see any embarrassment that can arise from any events that can be foreseen, from this business remaining as it is now. If we now let the Mediterranean fund fall, we may offer it at the next session as a fair exchange for the salt tax. But if we send the proposed bill to the Senate, what will be our language? "We have acted with great precipitancy. We wish we had acted with circumspection. We give you notice that we will bluster a little, but you must not give way." Instead, therefore, of getting rid of the salt tax by this motion, you will only get the Mediterranean fund tacked to it. This will be the upshot of the business as sure as you are in your seats. I therefore feel no hesitation in giving the motion my negative. If gentlemen wish to take off the salt tax, it is competent for them to do so; but I will not under this specious pretext put myself into a situation to treble the public burdens. In every awkward attempt to get out of the morass, you will only sink the deeper. If you send such a bill, you will get the Mediterranean fund added to it. If there exists a temper in the other branch to sanction such a bill as is proposed, let them display it, and send us such a bill.

Mr. **Jackson**.—It is objected to this motion that we shall disgrace the dignity of the House of Representatives if we offer the bill (which it contemplates) to the Senate. This is the first time that I ever heard the taking off burdens from the people styled a disgrace. Gentlemen must have forgotten their own conduct on the slave bill. It is the first time that I ever heard it considered disgraceful when the two branches of the Legislature disagree, in matters of detail, to endeavor to effect an accommodation. I confess I considered the House, on this occasion, as acting with precipitation; and, for one, I did not consider the vote to adhere as final. I had no desire to act superciliously to the Senate; and I am ready to acknowledge that this was an improper mode of legislation. I never can agree that it is proper, in order to get rid of one thing, to swallow another. Being, however, in favor of both propositions contained in the bill, I could not object to it, although I think they ought not to have been associated. But, to return to the question of dignity or superciliousness. The Senate sent us back our bill, with an amendment only to take off immediately the duty of eight cents on salt. We rejected their proposition in a manner which must have excited their feelings, if they had any. I believe that manner was unprecedented. I do not recollect a single instance in which the House peremptorily refused, by a final vote, any modification proposed by the Senate, without some previous effort to accommodate. Believing, therefore, that we acted superciliously to them, I consider it the essence of true dignity to make a proper acknowledgment. This, however, is not necessarily the effect of this measure. Its strong recommendation is, that it manifests a disposition to conciliate, and that it goes to relieve the people from a considerable burden—from a tax, which, although it only amounts to six hundred thousand dollars, is more burdensome than the Mediterranean fund. If gentlemen wish to divide these questions, I have no objection. I should be content to have two resolutions or two bills, provided the House should be enabled to act on them the same session When this subject was before discussed, I was silent, because my ideas were anticipated by other gentlemen—not from indifference to the importance of the question. In the country I represent, salt costs the people four or five dollars the bushel. I therefore consider it my bounden duty, on every proper occasion, to use my efforts to get rid of such a tax.

Mr. R. **Nelson**.—It may seem extraordinary that on this occasion I shall vote against the resolution; as heretofore, on every question going to repeal the salt duty, I have voted for it. But I cannot, on principles of policy or honor, vote for this resolution. I ask gentlemen what reason they have to expect that the other branch of the Legislature will assent to it. Are we, by creeping into lobbies, and whispering about it, to get information as to their particular views, and to act on this information? We pass a bill and send it to the other branch of the Legislature. They negative it; and the very next day we send them another bill to the same effect. We must infer that they will treat this second bill in the same way they treated the first. This must be the opinion of every man on whom no out-of-door or private influence has operated. Against this species of legislation I hold up both my hands. I will not be influenced by the whispers that circulate through your lobbies. Why then make this attempt when there is no probability of success? But, say gentlemen, let us try again. I say, however, you may try and try until you are more humiliated. If the responsibility now rests on the other branch of the Legislature, let us not take it off. Let them bear it. To do this will be to prostrate the dignity of the House and the dignity of the people, whose honor as well as interest we are bound to maintain. Though no man is more desirous than myself of getting rid of the tax on salt, I can never bring myself to vote for such a resolution.

Mr. **Alston**—I am sorry that the gentleman from Maryland, for whom I feel a high respect, has thrown out any insinuation of secret influence. I can assure the gentleman from the time of the disagreement of the two Houses until the time I determined to offer this resolution, I did not cast my eye on a Senator. On conversing with gentlemen who occupy the same lodgings with myself, we all agreed that we had acted precipitately. Indeed, it appeared that some gentlemen were not acquainted with the vote they gave. We then determined to offer this resolution. There is one part of the proposition now under consideration, that I presume the gentleman from Virginia will not say that it becomes the Senate to originate. He will not say that it will be proper for the Senate to send us a bill for continuing the Mediterranean fund. Away then with such ideas! The measure must originate with us; and for one I am willing to submit to all the dishonor which may attach to the vote for repealing the duties on salt.

Mr. **Smilie** said he had always voted in favor of the repeal of this act. He had uniformly been of opinion that it was the first tax that ought to be abandoned, whenever the circumstances of the country admitted of it. As to true honor and dignity he considered them as connected with the public good; not as consisting in destroying the harmony of the two branches, which, on the contrary, he deemed it his duty to use every effort to preserve. The question is, have the Senate assumed any Constitutional power that does not belong to them? He was convinced they had not. For one, he felt sorry he had voted to adhere. He believed the usual course of proceeding was the best, and if blame attached anywhere it must be to themselves. He trusted, instead of increasing the breach with the Senate, the House would aim at conciliation. Their dignity was only concerned in one way, and that was in doing their duty. He did believe it possible so to modify the bill, as to obtain the assent of the Senate.

Mr. **QUINCY**—Adopt the resolution under consideration, and its aspect will be this, the Senate will appear to be anxious to relieve the people from their burdens, and we anxious to impose them. Your proposition is to relieve to the extent of $600,000, and to impose a million. I wish the House to hold a different language.

Mr. **BIDWELL** said that his colleague had observed that there was a material difference between the propositions of the Senate and of the House. [Mr. **BIDWELL** here stated the several propositions.] With regard to the Mediterranean fund, said Mr. B., my colleague will find that the disagreeing votes only amount to this: the House are willing to continue that fund until the end of the next session, while the Senate are for continuing it only to the first of January. Though I could have preferred the course pursued by the House, yet I am not unwilling to agree to that pointed out by the Senate. Believing with the Senate that it will be beneficial to relieve the people from the permanent tax on salt, and to continue the Mediterranean fund until the first of January, or to the end of the next session, I am desirous of making one more effort to accommodate the differences between the two Houses. I am sorry that a comparison has been made between the Senate and House of Representatives. The gentleman from Virginia has said that it was competent for the Senate to send to us a bill repealing the duties on salt, and continuing the Mediterranean fund.

Mr. **J. RANDOLPH** explained.—I may have so expressed myself, but I meant to have said the Senate might send us a bill to repeal the salt tax, to which we might add a clause for continuing the Mediterranean fund.

Mr. **BIDWELL**.—No gentleman will contend that the Senate could originate a bill for the continuance of the Mediterranean fund. I am sorry that any allusion has been made to the Senate, or comparison drawn on the score of dignity between the two Houses. As I believe we may form a bill in which both branches shall agree, to insure the suppression of the salt tax, I hope this resolution will be agreed to.

Mr. **SLOAN**.—With the gentleman from Maryland, I am sorry to see this House getting into such a monstrous course of legislation; and I agree with him, that, if persisted in, it will become ruinous to our country. I had always supposed that, to promote the happiness of the people, it was proper for the two branches to act harmoniously. In the four sessions during which I have had the honor of a seat on this floor, I do not recollect an instance in which there has been such a rejection, without a previous attempt at conciliation. I am alarmed to see such conduct. Permit me to borrow the language of the gentleman from Virginia, who told us, on a former occasion, that it made no odds to him whether the peace and harmony of the United States were destroyed by a Burr, a conspirator, or a commander-in-chief of the army of the United States. Permit me to say, it makes no odds to me whether the peace and harmony of my country is destroyed by a Burr, a conspirator, or a member on this floor, possessed of the privilege attached to his seat. I do not conceive it derogatory to this House to endeavor, at the last moment, to pass a bill deemed essential to the interests of the country. I trust the measure will not be given up until it shall be altogether out of our power to effect it.

Mr. **D. R. WILLIAMS** moved to adjourn. This motion was lost—ayes 25.

Mr. **ELMER** was sorry so much time had been taken up on the relative honor of the Senate and House. He said, he should have been willing to have taken off the salt tax a month ago, but, at this late period, when time was so precious, it did not become them to trifle as they did at the end of the last session. The question was not in his opinion of so much importance as some gentlemen imagined. As the Senate had taken the responsibility upon themselves, if there was any, he was willing they should keep it. He hoped the question would be taken, and the motion disagreed to.

Mr. **VARNUM**.—Gentlemen feel, on this subject, according to their situations. It is a fact that this tax is of much importance to those gentlemen who live on the seacoast; because the exhalation from the sea impregnates their grass. But those at a distance very properly consider it as a great burden. I must give great credit to gentlemen from the Western country, who manufacture among themselves salt sufficient for their consumption, for their readiness to relieve the other parts of the country from the burden imposed by this tax. I am surprised that those on the Atlantic board do not avow the same willingness. Though gentlemen may think that they do not act from selfish motives, I apprehend it will be thought that they do insensibly act from such motives. Is it possible that any gentleman can consider the duty on salt a just and equal tax? It is impossible to entertain this opinion of a tax operating almost exclusively on the middle part of the United States from New Brunswick to Florida. I am peculiarly astonished that any gentleman from the State which I have the honor to represent, should be opposed to this repeal, or should have made these nice questions of order, when it is recollected how benefitted the people in his part of the country are by the bounties paid by the Government.

Mr. V. concluded, by observing that he was ready to take any measures that were honorable, to effect a repeal of so oppressive a tax. He was certain there was no act within the power of the

Legislature that would be so satisfactory to those who paid the tax.

Mr. Ely.—I am sorry to add to the astonishment of my colleague. For my part, I am willing to consult the interest of my constituents as much as I ought; and in this measure, I believe my constituents are as much interested as his, and I believe more so; but there seems to be a kind of magic in this name of salt tax. My constituents do not complain more of it than any other tax. I do not know the reason; perhaps it may be that they are not so intelligent as the constituents of my colleague. They rejoice that Government may be kept up, and yet that taxes may be relinquished from time to time: but they cannot conceive that the getting rid of twelve hundred thousand dollars is not more important than getting rid of a tax of half a million; with them, I agree that getting rid of the former, is of the most consequence. Heretofore I have been in favor of taking measures for repealing the salt tax; and, on the same principle, I should vote for the repeal of every tax that the persons in Government shall say they do not want. I wish sincerely to get off all unnecessary taxes as fast as I can, and I think the taking off the tax of $1,200,000 is a very important thing. When, however, we have taken early and honorable measures to get rid of the salt duty and laid that measure before the Senate, and we see that they have turned about and told us they will continue the salt tax, and take off the Mediterranean fund, and I observe gentlemen rest under the most intolerable uneasiness, because they have relieved the people of a burden of $1,200,000, and have laid a burden of $500,000, I confess I feel surprised. I cannot unite with gentlemen in the alarm they have expressed; on the contrary, I am ready to say, this is a procedure which I hope the House will never adopt.

Mr. Fisk.—I have no idea that my duty and dignity or the honor or interest of the House are implicated in this course of procedure. The gentleman from Massachusetts may exercise his ingenuity as he pleases; but he will never make the people of this country believe that there is no difference between a partial and impartial tax. Does he not know, too, that there are many articles of consumption which a man may obtain or not, as he pleases; and that there others which are absolutely indispensable; of the last of which, salt is one? Does not the poor man in the interior, who is obliged to pay so exorbitantly for this article, know that his rich neighbor on the Atlantic does not pay in the same ratio? If he has the independence of an American, will he not complain? I hope, therefore, we shall meet this question, and try again to have the duty taken off.

Mr. Quincy said he should not have risen again, but for the idea that the people on the seaboard pay nothing, and for the impression of some gentlemen that they eat no salt. Mr. Q. said they used it as well as other people in the United States. It might be true that in the interior the tax bore somewhat harder. But the question then under consideration was, whether they should entirely take off this tax, or take a scale and reduce the existing taxes on various other articles.

Mr. Elmer.—Gentlemen speak as if those against this motion were against taking off the duty on salt. This is not so. We have already made the attempt, and there is no chance of success. Gentlemen certainly carry their ideas on this subject too far. The salt tax is unequal, but by no means so much so as they contend. Wealthy people consume salt nearly in proportion to their wealth. It is a tax which I wish repealed; but I think I have done all in my power to repeal it. I believe gentlemen would not be so anxious on this subject if it were not for the Mediterranean fund. I should prefer the continuance of the latter tax; but if the Senate differ from us, and we cannot do otherwise, we ought to let the business rest where it is. I consider the vote of adherence as very proper to convey our sentiments to the Senate; to let them know that they must repeal the duty on salt or the Mediterranean fund would die. The Senate have taken their choice, and we have now no alternative left.

Mr. Eppes.—After the impatience manifested by the House, I shall trouble them with but very few observations. I shall not submit my ideas on the general question, as with few exceptions we are all in favor of a repeal of the duties on salt. The great difficulty is the mode of getting at this question. Gentlemen seem to have converted it into a question of etiquette. It seems to be like a question settled some centuries ago, between two ladies of rank, who met in a narrow lane, and were both obliged by high authority to back their carriages. It is true the resolution is somewhat extraordinary; but what has produced this? Our rules; under which, though it is not in order to hand in a bill to effect any particular purpose, it is yet in order to pass a resolution to the same effect. As I have been uniformly in favor of repealing the salt tax, I am not disposed, because the Senate have rejected our bill, to deprive the people of this advantage. Two objections, however, are started. First, that if we send the Senate a new bill, we shall be saddled with the Mediterranean fund; and secondly, that in so doing we shall compromit the dignity of the House.

The first objection goes to the details and not the principle of the measure. Any gentleman may propose to separate the two objects at present embraced by the resolution. I for one shall be very happy in giving the business that direction; as I see no necessity for the connexion, and as I am willing to guard against the possibility of being tricked into a continuance of the Mediterranean fund.

As to the second objection, the danger of compromiting the dignity of the House, if there are any facts in this case different from those which occurred in other cases, I am not acquainted with them. There is nothing uncommon in a bill being lost between the two Houses; and in case of any such important bill being lost, neither branch ought to stand on ceremony, with regard to its origination. As to out-of-door influence I will say that I have had no connexion with the Senate; if I had, it could have no influence on my conduct. I stand here on independent ground. I shall pursue what I deem right, and permit them to do so too.

Mr. LLOYD.—I have not the vanity to suppose that I can, by anything I can say, change the opinions of the members of this House; but considering the extraordinary course this business has taken, and since the yeas and nays have been required, I think it proper to assign my reasons for the vote I shall give on this occasion. What in this instance is the conduct of the House, and of the gentlemen opposed to this resolution? Have not the latter gentlemen, while there was a prospect of a repeal of the duties on salt, manifested equal zeal for that measure? Are the gentlemen who now urge this resolution so weak as to believe that we are to be taken in by such a proposition as they offer? Do they think that they will be thereby able to make the people believe that they are the exclusive friends of a repeal, when the speeches delivered on that occasion on both sides shall be published, and it shall appear that the opponents of this resolution were as inimical to the salt tax as its advocates? I am as much opposed to that tax as any man on this floor, and I have ever reprobated those who laid it. I am willing my conduct, as well as that of the House, should be reviewed by the world. On this review it will be found that the House passed an act repealing this odious tax—that they sent it to the Senate. What was the consequence? Ths Senate sent it back; they agreed to take off the duty of eight cents, but not the duty of twelve cents. And we are told that the argument urged was that the latter duty was pledged for the payment of the national debt. When I voted to repeal this tax I voted on principle. I considered it as oppressive and unjust. Had the tax laid been one cent, I should have voted against it; and I pledge myself, unless otherwise instructed, I will not vote in favor of another tax until this shall be taken off. Gentlemen say we acted with precipitancy in not giving the Senate an opportunity to recede and accommodate. But have we any reason to think that there is any disposition on the part of the Senate to recede? Has any gentleman been closeted with them? I presume not. If they have been, I presume they will be ashamed to say so. We passed a law on this subject founded on principle. That act has been rejected in the Senate. They feel alarm. They recollect perhaps that this very act raised an alarm fatal to one party in the United States. They may perhaps look to the political horizon and see a cloud rising which may be fatal to them. It is said that we have acted hastily. But is it more becoming in us to give the Senate the offer of a new bill, than for the Senate to offer such a bill to us? If they thought the measure now proposed proper, why did they not themselves propose a conference? Why, then, exonerate the Senate from this censure, and attach it to ourselves? I rose with unwillingness on this subject; but when I heard arguments urged with a view to lessening the confidence of the people in those who are opposed to this resolution, I thought it proper to offer my ideas. When this resolution and the debate which has taken place on it shall be published, I shall not fear to meet my constituents. Had it not been for this expression of my sentiments, it might perhaps have been imagined that those opposed to this resolution were likewise opposed to a repeal of the salt tax. I have been always opposed to that tax, but I have no reason to think that a Legislative body will do that tomorrow which it has refused to day. For these reasons I shall vote against the resolution.

Mr. BURWELL.—I only rise to say it is not my wish to impute any censure to those who are opposed to this resolution. It is not my intention to vote for continuing the Mediterranean fund, and the duty on salt; on the contrary, if the Mediterranean fund be continued, I shall be for discontinuing the duty on salt. I wish this resolution brought forward, as I am free to declare that the tax on salt in the district which I have the honor to represent is extremely oppressive. Owing to that duty we are compelled to pay two or three dollars on salt, when independent of it we should otherwise pay only one or one and a half dollars per bushel. I believe the same effect is likewise produced in other parts of the State. The merchants, when this article is imported, being under the necessity of advancing the duty charged upon it to Government, are prevented from importing as much salt as would otherwise be imported. The market is consequently not supplied, and owing to this, there is a great fluctuation in the price. I have no disposition to arraign the motives of gentlemen, or any wish that it should be understood that I consider some of those who vote against the resolution as unfriendly to taking off this duty.

Mr. LYON declared himself inimical to the salt tax, but said he should vote against the resolution.

Mr. JOHN RANDOLPH.—The question is now to agree to so much of the motion as relates to a repeal of the duties on salt. This question has been argued, to my great surprise, as if it were proposed for the first time to take off this duty on salt, and to relieve the people from the burden. This, according to my idea, is not the question. I presume there can be but one sentiment in this House, that all those members who mean to put the House in the power of the other branch of the Legislature will vote for the resolution. All those, on the contrary, who endeavored to take off the salt tax as well at the last session as at this, will vote against the resolution, for one of the best possible reasons. I do know one of the members of this House who remained, notwithstanding the pressure of most urgent business, to see this question settled, who left town under the impression that it was settled by the last vote of the House. Other members may be in the same situation. But figure to yourself the possibility that under this attempt the nation may be put in *statu quo;* and that at the close of the session, in a thin House, we may have added to the burden of the people a million of dollars, dreamt of by no man, unless given as an equivalent for the salt tax. This course strikes me as peculiarly unhappy, and nothing but my respect for the judgment of the Speaker has prevented me from appealing to the House. It will be productive of the most calamitous effects, if after the question is settled, at the close of the session of an expiring Congress, motions can be received to load the nation with burdens, we cannot tell to what amount; for I contend that this is a motion to take off one tax and to lay another of greater amount. It was precisely in this way that the additional tax of eight cents was laid on salt; when the House was full, a proposition was made to impose it, and rejected, and when many members had gone home in unsuspicious confidence, then it was that this tax was riveted round the necks of the people. Every argument adduced on this subject from the first to the last proves the necessity of a grand reform in our financial system; that there should be no such thing as permanent duties; that they should all from time to time come back and be put in your power, as the independent representatives of the people, to compel the other branches of the Government to lighten the public burdens.

Let us take a review of this subject, and see whether the House of Representatives have acted with precipitancy, and whether it becomes them to retrace their steps, and to back out of the difficulty in the manner stated by the gentleman from Virginia. Be it remembered that this proposition was brought forward at the last session; that the hearts of many members of the House were set on it; that it went to the Senate with a commanding majority; that the Senate hung back; that we proposed a committee of conference; that our committee recommended to us to recede—to back out—and the Senate had their way. I think it my duty as a member of this House to sustain its character, and to prove that it has not acted with precipitancy, with sulkiness, or ill humor. The thing went abroad; we returned here; the public sentiment vibrated on the President of the United States; he recommended a repeal of the tax; his recommendation was referred to the Committee of Ways and Means; they were not backward on the subject; they acted with promptness; an act, passed by a great majority, was sent to the Senate. They postponed it from day to day; when we received it, we found it in a mutilated state. What did we do? We determined to reject their amendments. This was a manly determination—it was frank, honorable, and candid. We said they press us too hard. We tried the same thing last session, but we then gave up our opinions to them. I was not of that number. I voted then as I now do, and shall vote again next session if I have a seat in this House.

After having indulged the other branch of the Legislature, had we not a right to expect, after this appeal to the people, and manifestation of their feelings, that they would no longer offer a modification of the repeal, and ought we not to say, if you will not repeal the salt tax we will not give you the Mediterranean fund. I call on the Clerk to say when he carried our bill to the Senate, and I ask gentlemen to compare it with the time when it was returned with a partial and reluctant assent. I ask gentlemen to compare this tardy procedure with the precipitancy with which they acted on our vote to adhere, to which in half an hour they sent us back an answer of adherence on their part. When it was proposed to relieve the people from burdens, months are suffered to elapse; but when it was proposed to continue burdens a half an hour is sufficient.

A gentleman from Vermont has observed that the people in this country make a great use of salt, but little of sugar and coffee. The duties, however, on sugar and coffee make no part of the Mediterranean fund. They have nothing to do with the duties on salt, or with those that constitute the Mediterranean fund.

It has been also observed that unless we agree to the motion before us the salt tax will be perpetual. I believe no such thing. I believe, on the contrary, that we could do nothing that would have that effect so much as the agreeing to this resolution. If we agree to the resolution, it will be an apology for the other branch of the Legislature. But let us disagree to it, and let them go back and give an account to the State Legislatures, and I warrant you they will take them to task. What is the reason that the State Legislatures have not already instructed their Senators to vote for the repeal of this tax? The belief that such instruction was unnecessary. As soon as they saw the message they considered the act as good as repealed. My word for it, the next session they will not put their veto upon it.

While I touch for the second time in my life on the recommendation of the President to repeal this tax, permit me to enter my protest against the terms in which it is couched. At the same time I am willing, and I might say glad, that that recommendation has produced its due effect. But permit me to say that it belongs more exclusively to the Legislature, and to this branch, to determine as to the specific burdens which shall be imposed on, or taken off, the people of the United States. It is enough if the Treasury tells us there is more money than is wanted, and that we can spare a part. It detracts nothing from the popularity or graciousness of the act, that the Executive does not descend to particulars. This House has a right to participate with every other branch of the Government in the popularity of such an act. I will add that while the superintending arm points out such taxes as we are able to dispense with, it belongs to us only to say in what manner that dispensation shall be made.

Before I sit down I shall for the last time in my natural or political life take notice of some observations from a certain quarter. I protest against the borrowing of any sentiments or words of mine by any member after he has defiled and perverted them, and after they have partaken of his own contamination. I will also observe for the last time that, when an accusation shall hereafter be brought against me by talents so splendid, I shall deem it my duty to have counsel allowed me in my defence. This is a privilege allowed to the most atrocious criminal, and why not also allow it to the member addressing you?

Mr. Fisk said the gentleman from Virginia had taken the liberty to notice an observation made by him. He had said that the people never would submit to a partial tax, and it was on this head that he had alluded to the duties imposed on sugar and coffee, and not in the way represented by the gentleman from Virginia.

Mr. Quincy said, as he did not wish to give the House unnecessary trouble, he would withdraw his motion to divide the question.

Mr. Alexander renewed the motion.

Mr. Sloan said he rose to say but a single word in reply to the gentleman from Virginia, who, it seemed, had determined in future to take no notice of his remarks, for which he was not sorry. The few words he had to utter would be in the former phraseology of the gentleman, and would tend to show that his remarks had been not without effect—"the galled jade winces."

The yeas and nays were then taken on the first member of the resolution, viz:

"*Resolved*, That a committee be appointed to inquire into the expediency of repealing the duty on salt."

And stood, yeas 60, nays 40, as follows:

Yeas—Willis Alston, junior, Isaac Anderson, David Bard, Joseph Barker, George M. Bedinger, Silas Betton, Barnabas Bidwell, John Blake, junior, Robert Brown, William A. Burwell, John Chandler, Martin Chittenden, John Claiborne, Matthew Clay, Frederick Conrad, Leonard Covington, Ezra Darby, John Dawson, James Elliot, Caleb Ellis, John W. Eppes, William Findley, James Fisk, John Fowler, Peterson Goodwyn, Andrew Gregg, Silas Halsey, John Hamilton, James Holland, David Holmes, David Hough, Thomas Kenan, John Lambert, Joseph Lewis, junior, Patrick Magruder, William McCreery, Nicholas R. Moore, Thomas Moore, John Porter, John Pugh, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Martin G. Schuneman, Ebenezer Seaver, James Sloan, John Smilie, John Smith, Samuel Smith, Henry Southard, Joseph Stanton, David Thomas, Thomas W. Thompson, Joseph B. Varnum, John Whitehill, Robert Whitehill, Marmaduke Williams, Alexander Wilson, Richard Winn, and Joseph Winston.

Nays—Evan Alexander, John Archer, William W. Bibb, Thomas Blount, William Butler, John Campbell, Peter Early, Ebenezer Elmer, William Ely, Jas. M. Garnett, Charles Goldsborough, Isaiah L. Green, Seth Hastings, William Helms, Edward Lloyd, Matthew Lyon, Duncan MacFarland, Robert Marion, Josiah Masters, Gurdon S. Mumford, Jeremiah Nelson, Roger Nelson, Thomas Newton, junior, Timothy Pitkin, junior, Josiah Quincy, John Randolph, John Russell, Peter Sailly, Thomas Sammons, Thomas Sandford, Dennis Smelt, Richard Stanford, William Stedman, Samuel Taggart, Philip R. Thompson, Uri Tracy, Abram Trigg, Peleg Wadsworth, Eliphalet Wickes, and David R. Williams.

The second member of the resolution was then read, as follows:

"And to continue in force the Mediterranean fund for a limited time."

Mr. J. Randolph.—I consider this as a different question. Placing the continuance of the Mediterranean fund in the power of the Senate, will only be to put you in the situation in which you were at the close of the last session, and which I fear you will be in next Tuesday. I hope no one will vote for this part of the resolution. The difference after all will be only half a million, and it will be competent to us at the next session to make up that sum, if there shall be any deficit. Considered as principal this is a pitiful sum. I hope, therefore, we shall try the question of repealing the salt tax on its own merits; that the arguments in favor of it will be permitted to have their own weight, and that we shall send a bill to the Senate simply for repealing the duty on salt. If they swallow this salt and water dose, it is well, but let us not agree to sweeten it with the Mediterranean fund.

The question was then taken by yeas and nays on the second member of the resolution—yeas 46, nays 43, as follows:

Yeas—Willis Alston, jr., George M. Bedinger, Barnabas Bidwell, John Blake, jr., William A. Burwell, John Chandler, John Claiborne, Frederick Conrad, Leonard Covington, Ezra Darby, Caleb Ellis, John W. Eppes, William Findley, James Fisk, John Fowler, Peterson Goodwyn, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, James Holland, David Holmes, David Hough, Thomas Kenan, John Lambert, Matthew Lyon, Nicholas R. Moore, Thomas Moore, John Pugh, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Martin G. Schuneman, Ebenezer Seaver, James Sloan, John Smilie, Samuel Smith, Henry Southard, Joseph Stanton, David Thomas, Uri Tracy, Joseph B. Varnum, John Whitehill, Robert Whitehill, Marmaduke Williams, and Thomas Wynns.

Nays—Evan Alexander, John Archer, David Bard, Silas Betton, William W. Bibb, Thomas Blount, William Butler, John Campbell, Martin Chittenden, Matthew Clay, Peter Early, James Elliot, Ebenezer Elmer, William Ely, James M. Garnett, Charles Goldsborough, Joseph Lewis, jr., Edward Lloyd, Duncan MacFarland, Robert Marion, Josiah Masters, William McCreery, Gurdon S. Mumford, Jeremiah Nelson, Roger Nelson, Thomas Newton, jr., Timothy Pitkin, jr., Josiah Quincy, John Randolph, John Russell, Peter Sailly, Thomas Sammons, Thomas Sandford, Dennis Smelt, Richard Stanford, William Stedman, Samuel Taggart, Philip R. Thompson, Thomas W. Thompson, Abram Trigg, Peleg Wadsworth, David R. Williams, and Joseph Winston.

And the main question being taken, that the House do agree to the said motion, in the words following, to wit:

Resolved, That a committee be appointed to inquire into the expediency of repealing the duty on salt, and to continue in force the Mediterranean fund for a limited time:

It was resolved in the affirmative—yeas 44, nays 39, as follows:

Yeas—Willis Alston, junior, David Bard, George M. Bedinger, Barnabas Bidwell, John Blake, junior, William A. Burwell, John Chandler, John Claiborne, Frederick Conrad, Leonard Covington, Caleb Ellis, William Findley, James Fisk, John Fowler, Peterson Goodwyn, Andrew Gregg, Silas Halsey, James Holland, John Hamilton, David Holmes, David Hough, Thomas Kenan, John Lambert, William McCreery, Nicholas R. Moore, Thomas Moore, John Pugh, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Martin G. Schuneman, Ebenezer Seaver, James Sloan, John Smilie, Samuel Smith, Henry Southard, Joseph Stanton, David Thomas, Joseph B. Varnum, John Whitehill, Robert Whitehill, Marmaduke Williams, Joseph Winston, and Thomas Wynns.

Nays—Evan Alexander, John Archer, Silas Betton, William W. Bibb, Thomas Blount, William Butler, John Campbell, Martin Chittenden, Matthew Clay, Ebenezer Elmer, William Ely, James M. Garnett, Charles Goldsborough, Isaiah L. Green, Seth Hastings, Walter Jones, Edward Lloyd, Matthew Lyon, Duncan MacFarland, Robert Marion, Josiah Masters, Gurdon S. Mumford, Jeremiah Nelson, Roger Nelson, Thomas Newton, jun, Timothy Pitkin, junior, Josiah Quincy, John Randolph, Peter Sailly, Thomas Sammons, Thomas Sandford, Richard Stanford, William Stedman, Samuel Taggart, Philip R. Thompson, Thos. W. Thompson, Abram Trigg, Peleg Wadsworth, and David R. Williams.

Mr. Alston then moved for the appointment of a select committee.

On counting the members present, the Speaker said there was not a quorum within the bar.

After waiting some time without getting a competent number of members to form a quorum,

Mr. Gregg observed that he did not know whether an immediate call of the House was in order; but if it was, he thought it ought to be made. They had heard a great deal about the responsibility of the Representative to the people. He thought the people ought in this case to know that the business of the nation had been delayed by the desertion of members.

Mr. Blount hoped there would be a call, that the people might know what members had deserted their posts.

The question being put, an immediate call of the House was agreed to. It was now half after seven in the evening.

The Clerk having proceeded to call over the names of the members, sixty-eight members (including the Speaker) appeared to be present.

The absentees being then again called over and noted, it appeared that seventy-three members were absent; seven of whom had obtained leave, three had not appeared in their seats during the session, and sixty-three failed to be present at the call, to wit:

Evan Alexander, Isaac Anderson, John Archer, Joseph Barker, Burwell Bassett, Silas Betton, William W. Bibb, Phanuel Bishop, James M. Broom, Robert Brown, William Butler, George W. Campbell, Martin Chittenden, Matthew Clay, John Clopton, Orchard Cook, Richard Cutts, Ezra Darby, John Davenport, jr., John Dawson, Elias Earle, Peter Early, John W. Eppes, James M. Garnett, Seth Hastings, Wm. Helms, John G. Jackson, Walter Jones, James Kelly, Nehemiah Knight, Joseph Lewis, jr., Henry W. Livingston, Matthew Lyon, Duncan MacFarland, Patrick Magruder, Thomas Moore, Jeremiah Morrow, John Morrow, Roger Nelson, Gideon Olin, Timothy Pitkin, jun., John Porter, John Randolph, Thomas M. Randolph, John Russell, Dennis Smelt, John Smilie, O'Brien Smith, Richard Stanford, William Stedman, Samuel Taggart, Samuel Tenney, Philip R. Thompson, Thomas W. Thompson, Uri Tracy, Philip Van Cortlandt, Killian K. Van Rensselaer, Matthew Walton, Eliphalet Wickes, David R. Williams, Nathan Williams, Alexander Wilson, and Richard Winn.

Sixty-three absentees.

Mr. Goldsborough said gentlemen must be sensible, from the great extent of the city, that it was impracticable, at so late an hour, to command the attendance of members, without a great waste of time. He therefore moved an adjournment.

This motion was negatived—ayes 31, noes 36.

Mr. Gregg renewed the motion, which was agreed to—ayes 50; when the House adjourned, at eight o'clock.

Saturday, February 28.

On reading the Journal of yesterday—

Mr. Eppes observed that as he supposed the object of the call of the House the preceding evening had been to publish the names of the absentees, he thought it would be proper to state on the Journal the hour at which the call had been made. He had no objection that the people should know that he had sat in his seat from ten o'clock in the morning till seven at night, and had waited until he had given his vote on the question depending. If gentlemen wished to make an advantage of this circumstance, he was willing they should have all the eclat they could desire. He, however, trusted the Journal would be amended as he had intimated.

An amendment was made to this effect.

Mr. J. Randolph observed that he had been a member of the House for eight years, and he had never known a call without a day's previous notice. He believed the call of yesterday was the only instance in which this practice had been departed from. As mentioned by another member, he had sat from ten in the morning till eight in the evening, and when he returned, after a short absence to obtain refreshment, he had found himself marked as a school-boy on the books.

It was then resolved that such of the members, who were absentees, and whose names are noted as not being present at the call of the House yesterday, be severally excused, and admitted to their seats.

Messrs. Fisk, Alston, and Claiborne, were appointed a committee pursuant to the resolution adopted yesterday, to bring in a bill repealing the duty on salt, and to continue the Mediterranean fund for a limited time.

During the morning, Mr. Fisk presented a bill repealing the duties on salt, and continuing in force, for a further time, the first section of the act, entitled "An act to protect the commerce and seamen of the United States against the Barbary Powers."

On reading this bill a second time, the House divided—ayes 65.

It was then referred to a Committee of the Whole. It was then moved to make it the order for this day, to-morrow, Monday and Tuesday. All the other days but *this day*, were disagreed to.

The Speaker laid before the House a letter from the Secretary of the Treasury, transmitting a statement of the public debt, on the first day of January 1801, 1802, 1803, 1804, 1805, 1806, and 1807, respectively, together with several explanatory statements and notes, prepared in obedience to a resolution of the House, on the eighth ultimo; which were read and ordered to lie on the table.

An engrossed bill making appropriations for the support of Government during the year one thousand eight hundred and seven, was read the third time, and passed.

An engrossed bill for the relief of Oliver Pollock was read the third time, and passed.

A message from the Senate informed the House that the Senate have passed the bill sent from this House, entitled "An act for the relief of Stephen Sayre, with several amendments; to which they desire the concurrence of this House: also, the bill, entitled "An act providing for the punishment of certain crimes against the United States," with several amendments; to which they desire the concurrence of this House: and the bill, entitled "An act for the relief of Daniel S. Dexter," with an amendment; to which they desire the concurrence of this House. The Senate have passed a bill, entitled "An act providing for the appointment of Commissioners to ascertain the practicability of removing the obstructions in the navigation of the Ohio, at the Rapids;" to which they desire the concurrence of this House.

The House resolved itself into a Committee of the Whole on the bill authorizing patents to issue for lands located and surveyed by virtue of certain Virginia resolution warrants. The bill was reported with several amendments thereto; which were severally twice read, and agreed to by the House.

Ordered, That the said bill be engrossed, and read the third time this day.

The House resolved itself into a Committee of the Whole on the bill disapproving of an act, passed by the Governor and Judges of the Territory of Michigan, entitled "An act concerning the Bank of Detroit. The bill was reported without amendment and ordered to be engrossed, and read the third time this day.

LEWIS AND CLARKE.

The House resolved itself into a Committee of the Whole on the bill making compensation to Messieurs Lewis and Clarke, and their companions.

The bill was reported with several amendments thereto; which the House proceeded to consider. Whereupon, the first amendment reported from the Committee of the Whole being again read, in the words following, to wit:

Sec. 1, line 4. After the words, "William Clarke," insert "William Eaton, Priestly Nevil O'Bannon, and George Washington Mann."

The question was taken that the House do agree with the Committee of the Whole in the said amendment, and passed in the negative—yeas 47, nays 61, as follows:

Yeas—Silas Betton, Barnabas Bidwell, Phanuel Bishop, Martin Chittenden, Frederick Conrad, Orchard Cook, Richard Cutts, Samuel W. Dana, James Elliot, Ebenezer Elmer, William Ely, James Fisk, John Fowler, Charles Goldsborough, Isaiah L. Green, Seth Hastings, William Helms, David Hough, James Kelly, Joseph Lewis, jr., Henry W. Livingston, Duncan MacFarland, Josiah Masters, Jeremiah Morrow, Jonathan O. Mosely, Jeremiah Nelson, Gideon Olin, Timothy Pitkin, jr., Josiah Quincy, John Russell, Peter Sailly, Martin, G. Schuneman, Ebenezer Seaver, Dennis Smelt, Joseph Stanton, William Stedman, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, Thomas W. Thompson, Uri Tracy, Philip Van Cortlandt, Killian K. Van Rensselaer, Joseph B. Varnum, Peleg Wadsworth, Eliphalet Wickes, and Nathan Williams.

Nays—Evan Alexander, Willis Alston, jr., Isaac Anderson, John Archer, David Bard, Joseph Barker, Burwell Bassett, George M. Bedinger, William W. Bibb, John Blake, jr., Thomas Blount, Robert Brown, William A. Burwell, William Butler, George W. Campbell, John Chandler, John Claiborne, Leonard Covington, Ezra Darby, John Dawson, John W. Eppes, William Findley, James M. Garnett, Peterson Goodwyn, Andrew Gregg, Silas Halsey, John Hamilton, James Holland, David Holmes, Walter Jones, John Lambert, Edward Lloyd, Robert Marion, William McCreery, Nicholas R. Moore, Thomas Moore, John Morrow, Roger Nelson, John Porter, John Pugh, John Randolph, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Thomas Sammons, James Sloan, John Smilie, John Smith, Samuel Smith, Henry Southard, Richard Stanford, Philip R. Thompson, Abram Trigg, Matthew Walton, John Whitehill, Robert Whitehill, David R. Williams, Marmaduke Williams, Alexander Wilson, Richard Winn, and Thomas Wynns.

The other amendments reported from the Committee of the whole House to the said bill, were then again severally twice read, and agreed to by the House.

Ordered, That the said bill, with the amendments agreed to, be engrossed and read the third time this day.

The House resolved itself into a Committee of the Whole on the bill concerning invalid pensioners. The bill was reported with several amendments thereto; which were severally twice read, and agreed to by the House.

The House then proceeeed further to amend the said bill and made some progress therein, when, the House adjourned until seven o'clock, P. M.

Eodem die—Seven o'clock.

An engrossed bill disapproving of an act passed by the Governor and Judges of the Territory of Michigan, entitled "An act concerning the Bank of Detroit."

An engrossed bills authorizing patents to issue for lands located and surveyed by virtue of certain Virginia resolution warrants, was read the third time, and passed.

A message from the Senate informed the House that the Senate have passed the bill sent from this House, entitled "An act respecting claims to land in the Territories of Orleans and Louisiana," with several amendments, to which they desire the concurrence of this House.

LEWIS AND CLARKE.

An engrossed bill making compensation to Messrs. Lewis and Clarke, and their companions, was read the third time, and on the question that the said bill do pass, it was resolved in the affirmative —yeas 62, nays 23, as follows:

Yeas—Willis Alston, Isaac Anderson, David Bard, Joseph Barker, Burwell Bassett, George M. Bedinger, William W. Bibb, Barnabas Bidwell, John Blake jr., Thomas Blount, Robert Brown, William A. Burwell, William Butler, John Chandler, John Claiborne, Leonard Covington, Peter Early, James Elliot, Ebenezer Elmer, James Fisk, James M. Garnett, Peterson Goodwyn, Isaiah L. Green, Silas Halsey, William Helms, David Holmes, James Kelly, Thomas Kenan, John Lambert, Joseph Lewis, jr., Edward Lloyd, Robert Marion, Josiah Masters, William M'Creery Nicholas R. Moore, John Morrow, Gurdon S. Mumford, Roger Nelson, John Porter, John Pugh, John Randolph, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Peter Sailly, Thomas Sandford, Ebenezer Seaver, James Sloan, Samuel Smith, Henry Southard, Richard Stanford, David Thomas, Philip R. Thompson, Killian K. Van Rensselaer, Peleg Wadsworth, John Whitehill, Robert Whitehill, David R. Williams, Marmaduke Williams, Nathan Williams, Alexander Wilson, and Thomas Wynns.

Nays—Silas Betton, John Campbell, Martin Chittenden, Frederick Conrad, Ezra Darby, William Ely, David Hough, Duncan McFarland, Jonathan O. Mosely, Jeremiah Nelson, Gideon Olin, Timothy Pitkin, jun., Josiah Quincy, John Russell, Thomas Sammons, Martin G. Schuneman, Joseph Stanton, William Stedman, Samnel Taggart, Benjamin Tallmadge, Thomas W. Thompson, Joseph B. Varnum, and Eliphalet Wickes.

A motion was made, and the question being put, that the House do now adjourn, it passed in the negative—yeas 20, nays 72.

DUTIES ON SALT.

On a motion made and seconded that the House do now resolve itself into a Committee of the whole House on the bill repealing the acts laying duties on salt, and continuing in force for a further time the first section of the act, entitled "An act further to protect the commerce and seamen of the United States against the Barbary Powers;" it was resolved in the affirmative—yeas 58, nays 41, as follows:

Yeas—Willis Alston, jun., Isaac Anderson, David Bard, Joseph Barker, Burwell Bassett, George M. Bedinger, Barnabas Bidwell, John Blake, jun., Thomas Blount, Robert Brown, William A. Burwell, George W. Campbell, John Chandler, John Claiborne, Frederick Conrad, Leonard Covington, Richard Cutts, Ezra Darby, James Elliot, Ebenezer Elmer, John W. Eppes, William Findley, James Fisk, John Fowler, Peterson Goodwyn, Andrew Gregg, Silas Halsey, John Hamilton, William Helms, James Holland, David Holmes, David Hough, John Lambert, William McCreery, Nicholas R. Moore, Jeremiah Morrow, John Morrow, Gideon Olin, John Porter, John Pugh, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Martin G. Schuneman, Ebenezer Seaver, Jas. Sloan, Dennis Smelt, John Smilie, Samuel Smith, Henry Southard, Joseph Stanton, David Thomas, Joseph B. Varnum, John Whitehill, Robert Whitehill, Marmaduke Williams, Alexander Wilson, and Thomas Wynns.

Nays—Evan Alexander, Silas Betton, William W. Bibb, John Campbell, Martin Chittenden, George Clinton, jun., Samuel W. Dana, Peter Early, William Ely, James M. Garnett, Isaiah L. Green, Seth Hastings, James Kelly, Joseph Lewis, jun., Henry W. Livingston, Edward Lloyd, Duncan MacFarland, Robert Marion, Josiah Masters, Jonathan O. Mosely, Gurdon S. Mumford, Jeremiah Nelson, Roger Nelson, Timothy Pitkin, jun., Josiah Quincy, John Randolph, John Russell, Peter Sailly, Thos. Sammons, Thomas Sandford, Richard Stanford, William Stedman, Benjamin Tallmadge, Samuel Tenney, Philip R. Thompson, Thomas W. Thompson, Uri Tracy, Killian K. Van Rensselaer, Eliphalet Wickes, David R. Williams, and Nathan Williams.

The House accordingly resolved itself into the said Committee, and after some time spent therein, the Committee rose and reported an amendment thereto, which was read, and is as follows:

"Section 1, line 7, strike out the words "first day of January," and in lieu thereof, insert "thirtieth day of September."

A division of the question on the said amendment was called for, and on the question to strike out the words "first day of January." it was resolved in the affirmative.

A motion was then made by Mr. John Randolph, to amend so much of the said amendment as proposes to insert the words "thirtieth day of September," by inserting in lieu thereof, the words "thirty-first day of March."

Mr. Speaker declared the said motion to amend not to be in order. From which decision of the Chair an appeal was made to the House by two members; and on the question, "Is the decision of the Chair in order?" it was resolved in the affirmative—yeas 71, nays 10, asfollows:

Yeas—Evan Alexander, Isaac Anderson, David Bard, Joseph Barker, Silas Betton, Barnabas Bidwell, John Blake, jr., Thomas Blount, Robert Brown, William A. Burwell, George W. Campbell, John Chandler, Martin Chittenden, John Claiborne, George Clinton, jr., Frederick Conrad, Leonard Covington, Richard Cutts, Ezra Darby, Elias Earle, James Elliot, William Findley, James Fisk, John Fowler, Peterson Goodwyn, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, James Holland, David Holmes, David Hough, Thomas Kenan, John Lambert, Robert Marion, Josiah Masters, William McCreery, Nicholas R. Moore, Jeremiah Morrow, John Morrow, Gurdon S. Mumford, Gideon Olin, John Porter, John Pugh, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, John Russell, Peter Sailly, Thomas Sammons, Martin G. Schuneman, Ebenezer Seaver, James Sloan, Dennis Smelt, John Smilie, Samuel Smith, Henry Southard, Richard Stanford, Joseph Stanton, David Thomas, Thomas W. Thompson, Uri Tracy, Joseph B. Varnum, John Whitehill, Robert Whitehill, Eliphalet Wickes, David R. Williams, Marmaduke Williams, Nathan Williams, Alexander Wilson, and Thomas Wynns.

Nays—Burwell Basset, George M. Bedinger, William W. Bibb, William Ely, John W. Eppes, James M. Garnett, Edward Lloyd, John Randolph, Thomas Sandford, and Philip R. Thompson.

The question was then taken that the House do agree with the Committee of the Whole in so much of their said amendment as proposes to insert, in lieu of the words stricken out, the words "thirtieth day of September," and resolved in the affirmative.

A motion was made by Mr. John Randolph, further to amend the first section of the said bill by striking out in the second line thereof, the words "thirtieth day of June," and inserting, in lieu thereof, the words "thirty-first day of March."

A division of the question on the said amendment was called for, and on the question to strike out the words "thirtieh tday of June," it passed in the negative—yeas 20, nays 64, as follows:

Yeas—Isaac Anderson, Burwell Bassett, George M. Bedinger, Silas Betton, William W. Bibb, Martin Chittenden, James Elliot, William Ely, James M. Garnett, Edward Lloyd, Robert Marion, John Randolph, Jacob Richards, Thomas Sandford, Dennis Smelt, Richard Stanford, Samuel Tenney, Philip R. Thompson, Thomas W. Thompson, and David R. Williams.

Nays—Evan Alexander, Willis Alston, jr., David Bard, Joseph Barker, Barnabas Bidwell, John Blake, jr., Thomas Blount, Robert Brown, William A. Burwell, George W. Campbell, John Chandler, John Claiborne, George Clinton, jr, Frederick Conrad, Leonard Covington, Richard Cutts, Ezra Darby, Elias Earle, John W. Eppes, William Findley, James Fisk, John Fowler, Peterson Goodwyn, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, James Holland. David Holmes, David Hough, Thomas Kenan, John Lambert, Josiah Masters, William McCreery, Nicholas R. Moore, Jeremiah Morrow, John Morrow, Gurdon S. Mumford, Gideon Olin, Timothy Pitkin, jr., John Porter, John Pugh, John Rea of Pennsylvania, John Rhea of Tennessee, John Russell, Peter Sailly, Thomas Sammons, Martin G. Schuneman, Ebenezer Seaver, James Sloan, John Smilie, Samuel Smith, Henry Southard, Joseph Stanton, David Thomas, Uri Tracy, Joseph B. Varnum, John Whitehill, Robert Whitehill, Eliphalet Wickes, Marmaduke Williams, Nathan Williams, Alexander Wilson, and Thomas Wynns.

Another motion was made by Mr. J. Randolph, further to amend the said bill by striking out the last section thereof, in the words following, to wit:

"Section 3. *And be it further enacted*, That so much of the act passed on the twenty-fifth day of March, one thousand eight hundred and four, entitled 'An act further to protect the commerce and seamen of the United States against the Barbary Powers, as is contained in the first section of the said act, be and the same hereby is continued in force, until the first day of January next, and no longer: *Provided, however*, That the additional duty laid by the said section, shall be collected on all such goods, wares, and merchandise, liable to pay the same, as shall have been imported previous to that day.

And on the question thereupon, it passed in the negative—yeas 23, nays 48, as follows:

Yeas—Silas Betton, William W. Bibb, Martin Chittenden, Samuel W. Dana, James Elliot, William Ely, James M. Garnett, Isaiah L. Green, David Hough, Robert Marion, William McCreery, Gurdon S. Mumford, Timothy Pitkin, junior, John Randolph, John Russell, Peter Sailly, Thomas Sandford, Richard Stanford, Philip R. Thompson, Thomas W. Thompson, Eliphalet Wickes, David R. Williams, and Nathan Williams.

Nays—Evan Alexander, Willis Alston, jun., Isaac Anderson, David Bard, Joseph Barker, Burwell Bassett, George M. Bedinger, Barnabas Bidwell, John Blake, jun., Thomas Blount, Robert Brown, William A. Burwell, George W. Campbell, John Chandler, John Claiborne, George Clinton, junior, Frederick Conrad, Leonard Covington, Richard Cutts, Ezra Darby, Elias Earle, John W. Eppes, William Findley, James Fisk, John Fowler, Peterson Goodwyn, Andrew Gregg, Silas Halsey, John Hamilton, James Holland, David Holmes, Thomas Kenan, John Lambert, Nicholas R. Moore, Jeremiah Morrow, John Morrow, Gideon Olin, John Porter, John Pugh, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Martin G. Schuneman, Ebenezer Seaver, James Sloan, Dennis Smelt, John Smilie, Samuel Smith, Henry Southard, Joseph Stanton, David Thomas, Uri Tracy, Joseph B. Varnum, John Whitehill, Robert Whitehill, Marmaduke Williams, Alexander Wilson, and Thomas Wynns.

Another motion was made by Mr. John Randolph, to amend the said last section of the bill, by striking out therefrom the words "first day of January," and inserting, in lieu thereof, the words "thirtieth day or September."

A division of the question on the said amendment was called for; and on the question to strike out the words "first day of January," it passed in the negative—yeas 24, nays 58, as follows:

Yeas—Silas Betton, Martin Chittenden, John Claiborne, Samuel W. Dana, James Elliot, William Ely, James M. Garnett, Isaiah L. Green, David Hough, Robert Marion, Josiah Masters, William McCreery, Jonathan O. Mosely, Gurdon S. Mumford, John Randolph, John Russell, Peter Sailly, Thomas Sammons, Thomas Sandford, Richard Stanford, Philip R. Thompson, Thomas W. Thompson, Eliphalet Wickes and David R. Williams.

Nays—Evan Alexander, Willis Alston, jr., Isaac Anderson, David Bard, Joseph Barker, Burwell Bassett, George M. Bedinger, William W. Bibb, Barnabas Bidwell, John Blake. jr., Thomas Blount, Robert Brown, William A. Burwell, George W. Campbell, John Chandler, George Clinton, jr., Frederick Conrad, Leonard Covington, Richard Cutts, Ezra Darby, Elias Earle, John W. Eppes, William Findley, James Fisk, John Fowler, Peterson Goodwyn, Andrew Gregg, Silas Halsey, John Hamilton, James Holland, David Holmes, John Lambert, Nicholas R. Moore, Jeremiah Morrow, John Morrow, Gideon Olin, John Porter, John Pugh, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Martin G. Schuneman, Ebenezer Seaver, James Sloan, Dennis Smelt, John Smilie, Samuel Smith, Henry Southard, Joseph Stanton, David Thomas, Uri Tracy, Joseph B. Varnum, John Whitehill, Robert Whitehill, Marmaduke Williams, Nathan Williams, Alexander Wilson, and Thomas Wynns.

Another motion was then made, by Mr. John Randolph, further to amend the said bill by striking out, in the second section thereof, the words "first day of January," and inserting, in lieu thereof, the words "thirtieth day of September," and passed in the negative.

Ordered, That the said bill be engrossed, and read the third time immediately.

The said bill was accordingly brought up engrossed and read the third time.

Resolved, That the said bill do pass, and that the title be, "An act repealing the acts laying duties on salt, and continuing in force, for a further time, the first section of the act, entitled 'An act further to protect the commerce and seamen of the United States against the Barbary Powers."

Monday, March 2.

The House resolved itself into a Committee of the whole House on the bill sent from the Senate, entitled "An act for the relief of John Chester." The bill was reported without amendment, and read the third time, and passed.

Ordered, That the order of the day for the House to resolve into a Committee of the Whole on the bill to revive and make permanent "An act to prescribe the mode of taking evidence in cases of contested elections for members of the House of Representatives of the United States, and to compel the attendance of witnesses," and in addition to the same, be postponed indefinitely.

INVALID PENSIONERS.

The House resumed the consideration of the bill concerning invalid pensioners: Whereupon, a motion was made by Mr. Blount, further to amend the said bill, by adding thereto a new section, in the words following, to wit:

Sec. 5. *And be it further enacted*, That the Secretary of War be, and hereby is, authorized to place on the pension list of the United States the persons named on the lists of the several States, obtained by him, pursuant to the resolution of the House of Representatives of the seventeenth day of April, one thousand eight hundred and six, at such rate per month as has been allowed them by the States respectively; provided it shall not exceed the allowance made by the United States to other pensioners of the same rank:"

And on the question thereupon, it passed in the negative—yeas 46, nays 52, as follows:

Yeas—Evan Alexander, Isaac Anderson, David Bard, Burwell Bassett, George M. Bedinger, Thomas Blount, William A. Burwell, William Butler, John Campbell, John Claiborne, Matthew Clay, John Clopton, Leonard Covington, Ezra Darby, Elias Earle, Ebenezer Elmer, John W. Eppes, John Fowler, David Holmes, Walter Jones, James Kelly, Thomas Kenan, Nehemiah Knight, Joseph Lewis, jr., Edward Lloyd, Matthew Lyon, Duncan MacFarland, Patrick Magruder, William M'Creery, Nicholas R. Moore, Jeremiah Morrow, John Morrow, John Porter, John Rhea, of Tennessee, Thomas Sammons, Thomas Sandford, Martin G. Schuneman, Dennis Smelt, John Smith, Richard Stanford, Joseph Stanton, Philip R. Thompson, David R. Williams, Marmaduke Williams, Alexander Wilson, and Richard Winn.

Nays—John Archer, Silas Betton, Barnabas Bidwell, John Blake, jr., Robert Brown, John Chandler, Martin Chittenden, George Clinton, jun., Frederick Conrad, Orchard Cook, Richard Cutts, John Davenport, jr., James Elliot, William Ely, Charles Goldsborough, Andrew Gregg, Isaiah L. Green, Silas Halsey, Seth Hastings, William Helms, David Hough, John Lambert, Henry W. Livingston, Jonathan O. Mosely, Jeremiah Nelson, Gideon Olin, Timothy Pitkin, jun., John Pugh, Josiah Quincy, Jacob Richards, John Russell, Peter Sailly, Ebenezer Seaver, James Sloan, John Smilie, Samuel Smith, Henry Southard, William Stedman, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, David Thomas, Thomas W. Thompson, Uri Tracy, Philip Van Cortlandt, Killian K. Van Rensselaer, Joseph B. Varnum, Peleg Wadsworth, John Whitehill, Robert Whitehill, Eliphalet Wickes, and Nathan Williams.

Ordered, That the said bill, with the amendments agreed to, be engrossed, and read the third time this day.

PUBLIC LANDS.

The House proceeded to consider the bill sent from the Senate, entitled "An act to prevent settlement being made on lands ceded to the United States, until authorized by law," together with a report of the Committee on the Public Lands thereon.

Mr. Quincy moved its indefinite postponement. He observed that the provisions of the bill were highly important, and affected great Constitutional questions, which it was not possible for the House to do justice to at so late a period of the session. The princple contained in the first section was, that the rights of all persons shall be forfeited, who shall undertake to settle on the public lands. This provision was not against trespassers, but was obviously intended to destroy the Constitutional rights of those who had existing rights. The object of the bill was to defeat these constitutional rights. He had another objection to the bill. It went to forfeit the whole right to the land, in violation of the Constitution, which expressly declares that "no attainder of treason shall work corruption of blood or forfeiture, except during the life of the person attainted,"—and yet, under this law, it is undertaken, without any crime, to forfeit the rights of the individual, not only during his life, but likewise during that of his heirs. He had another Constitutional objection. The Constitution says, "nothing in this Constitution shall be so construed as to prejudice the claims of the United States or of any particular State." Among the rights derived from the States, if the property has passed, is the right of possession. This bill is therefore an invasion of the rights of the States. There is another Constitutional objection. The ninth article of the amendment to the Constitution provides that "in suits at common law, when the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved." Here the right is taken away in a question of the highest magnitude to the individual. The object of this law is nothing more or less than to build up the Legislative power on the destruction of that of the Judiciary. There was another objection. The Constitution says, "excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." Here is an extensive fine imposed. Mr. Q. said it was impossible, in the time that remained, to do justice to this subject—he therefore hoped it would be indefinitely postponed.

Mr. Gregg said he had no intention, on a proposition to postpone, to go into a discussion of the merits of the bill; but he believed an attention to its provisions would obviate many of the objections raised against it. He would not attempt to justify the bill in all its minutia. He hoped, however, the gentleman would withdraw his motion; he would then have an opportunity, when the bill was taken up, to offer such amendments as might remove his objections. Mr. G. said he thought the propriety of such a bill was justified by the necessity of the case. The simple question was, whether the United States should derive any benefit from the public lands, or whether they should be given up to intruders. It must be known to every one that almost innumerable persons had settled down on the public lands without meaning to pay for them. Their object was to settle down on them for a while, to sell their improvements, and then make other settlements. Hence, the absolute necessity of making some provision on the subject. Mr. G. said he had no particular part of the lands of the United States in view—he took the subject up on general grounds. He believed the intrusions were most numerous in the Indiana Territory; but there was no district in which they had not been made to a considerable extent. He did not pretend to say that this law was the best that could be passed on the subject—they might not however be able to get one much better. When taken up, it would be in the power of gentlemen to offer such amendments as they pleased.

Mr. Olin said he hoped the gentleman from Massachusetts would not withdraw his motion. He believed no man would charge him with a design to cover certain frandulent claims; but he trusted the principle contained in this bill would not be sanctioned. They were not a judicial body; and had not a right to take the ground assumed in the bill. They had formerly had an attempt made upon them to sanction claims founded in fraud, and he had voted against it. He should also vote against this bill—he would never agree that men should be dispossessed of their property in such a way.

Mr. Hastings spoke against the bill, and in favor of the indefinite postponement.

Mr. N. Williams considered the bill so objectionable that he could not vote for it; and as, from the short period of the session that remained, it was impossible to give it a proper attention, he would vote for the postponement. The first objection he should make to the bill was this—that it destroyed that right hitherto considered sacred, the right of asserting a claim to property—a right that was established and coeval with the laws of the country. Nothing was better settled than that an individual who claimed a right to a piece of property had a right to take possession of it, and hold it till deprived by process of law. Here that right is denied, and in the most exceptionable manner, by giving the President the power of judging when the rights of the United States are violated, and the power to dispossess by military force, before trial of the case. Mr. W. said this appeared to him a principle too tyrannical for them to adopt at the present day—to authorize the President to send a military force to deprive a man of his property, without leaving him any mode of trying his right. This was the very last act, which ought in no case to be resorted to, till the civil laws had been found insufficient. Mr. W. said he did not know that any such power had been ever exercised in Great Britain, or in any other country where less freedom was enjoyed. The military force ought only to be called out when the civil force was insufficient. This was not the only objection he had to the bill. The citizens were rendered liable by it to imprisonment and punishment, without due course of law, notwithstanding all they had lately heard of trial by jury, and the zeal manifested for it. More might be said, but as the time of the House was precious, he would forbear adding anything further.

Mr. D. R. Williams hoped the motion would not prevail; and for the very reasons urged by gentlemen. If the details are defective, let us get at the bill—if the principle is defective, that indeed may be a reason for postponement; but any defect in the detail may be corrected. Mr. W. said he could not but congratulate gentlemen on their returning sensibility for the Constitution. When their feelings had been harrowed up on a recent occasion, gentlemen had felt no sensibility for the Constitution; but when they come to the adoption of a bill, which went to affect Yazooism, all their sensibility was roused. Against this different course he protested. The gentleman from Massachusets had observed there were not many intruders on the public lands, but surely he could not have read the papers even of his capital, or he must have recollected a proposition made in them to raise and march ten thousand men to take possession of the public lands. Would he in the face of such a fact say there was no danger? But, say gentlemen, will you deprive individuals of their rights? And what are they aiming at? Are they not endeavoring to deprive you of your rights? The fact, however, is, if these people do not trespass on the public lands they will not be affected by this law; and if they do, they ought to be affected by it. As to the application of military force, that is not a new principle; as, under the Administration of General Washington, it was found necessary to vest the power.

Mr. Quincy.—I did not mean to argue the details of the bill on this question—I merely stated certain considerations to show that it was not proper at this time to discuss the principles contained in the bill. And I ask gentlemen, whether, from the temper which has been manifested, and the importance of the subject, it is possible to get through the bill during the present session? If gentlemen will sit still, and be as callous as they were lately, it may perhaps be carried through this session; but if it be properly discussed, it cannot. Gentlemen say we have no sensibility to Constitutional questions, except on this occasion. On the subject, however, of Yazooism, I have not said a word. My remarks were general. I placed that and all other claims on the footing of the law. This bill applies to the whole of them.

Mr. Eppes hoped the motion to postpone would not prevail. If gentlemen were disposed to discuss the subject, he was ready to meet them, either on the question of postponement, or directly on the bill. The great objection is, that this is a violation of the Constitution of the country—a violation of the right of property. But he asked gentlemen to show that the United States had not the power to forfeit the right of individuals to property, for the violation of an existing law. Was it not done every day in the case of the revenue laws; and whence did gentlemen draw a distinction between personal and real property? Why was brandy forfeited, unless brought in demijohns of a particular size, but because the act was a violation of the laws of the country? Mr. E. said, he believed candor in every case was the best course, and he was ready to declare that he was for a bill to prevent men having claims founded in villany and fraud from getting possession of the public lands. They had claims, and there was no tribunal before which they could be brought, unless they should by acts of violence obtrude themselves upon the public lands. They could not by any fair and direct means have their claims tried; it was only by a violation of law that they could be brought before the courts. The plain question then is, whether you will sanction a violation of law, in order to extend to them this privilege? The principle of using military force against intruders on public land was not without precedent. Mr. E. said, if he was not mistaken, it had been practised in New York by the present Vice President. He had no hesitation in saying that he would use the bayonet against any lawless banditti of intruders.

Mr. N. Williams observed, that he had not said this measure was forbidden by the Constitution—he had not examined that point. He had only said that the measure was tyrannical, which rendered it sufficiently exceptionable. As to the measure alluded to, it presented a very different case from the present. Certain persons had taken possession of the lands of the Indians, on whose application coercion had been applied to remove them.

Mr. Gregg said, all the remarks of the gentlemen applied to the details of the bill, and therefore furnished no argument for a postponement. The gentleman from Massachusetts seemed to consider the temper of the House too much excited to go on with the business; but so far as related to himself, Mr. G. said, he was as cool as he ever had been, or could be on any subject. The bill was not limited to any particular case, but applied to all the public lands of the United States. Would gentlemen, for the purpose of aiding and abetting certain individuals in their claims, sacrifice all the other public lands? Without saying whether this bill was perfect or not, he was willing to declare his readiness to use the strong arm of the Government to keep off intruders; and though he was generally against an increase of the army, he was willing in this instance, in case it should be thought necessary, to augment it. He believed some such measure as the present would be an act of justice to the Government, and of charity and mercy to the intruders.

The question was then taken by yeas and nays, on the indefinite postponement of the bill—yeas 43, nays 68, as follows:

Yeas—Joseph Barker, Silas Betton, Barnabas Bidwell, John Chandler, Martin Chittenden, Orchard Cook, Richard Cutts, Samuel W. Dana, Ezra Darby, John Davenport, jr., James Elliot, Ebenezer Elmer, William Ely, Seth Hastings, William Helms, David Hough, James Kelly, Nehemiah Knight, Joseph Lewis, jr., Matthew Lyon, Duncan MacFarland, Jonathan O. Mosely, Jeremiah Nelson, Gideon Olin, Timothy Pitkin, jr., Josiah Quincy, John Russell, Peter Sailly, Martin G. Schuneman, Ebenezer Seaver, Henry Southard, Joseph Stanton, William Stedman, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, David Thomas, Thomas W. Thompson, Uri Tracy, Killian K. Van Rensselaer, Peleg Wadsworth, Eliphalet Wickes, and Nathan Williams.

Nays—Evan Alexander, Willis Alston, jr., Isaac Anderson, John Archer, David Bard, Burwell Bassett, George M. Bedinger, William W. Bibb, John Blake, jr., Thomas Blount, Robert Brown, William A. Burwell, William Butler, George W. Campbell, John Claiborne, Matthew Clay, John Clopton, Frederick Conrad, Leonard Covington, John Dawson, Elias Earle, John W. Eppes, William Findley, James Fisk, James M. Garnett, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, James Holland, David Holmes, Walter Jones, Thomas Kenan, John Lambert, Edward Lloyd, Patrick Magruder, Robert Marion, Josiah Masters, William McCreery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Roger Nelson, John Pugh, John Randolph, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Thomas Sammons, Thomas Sandford, James Sloan, Dennis Smelt, John Smilie, John Smith, Samuel Smith, Richard Stanford, Philip R. Thompson, Philip Van Cortlandt, Joseph B. Varnum, John Whitehill, Robert Whitehill, David R. Williams, Marmaduke Williams, Alexander Wilson, Richard Winn, Joseph Winston, and Thomas Wynns.

Mr. Eppes said he hoped the House would negative all the amendments proposed to the bill, and pass it without them.

The amendments proposed by the Committee on the Public Lands principally went to except the Mississippi and Indiana Territories from some of the provisions of the bill. They were all disagreed to, without any debate of importance, by large majorities.

Mr. Quincy moved to strike out the following part of the first section of the bill.

"Such offender or offenders shall forfeit all of his or their right, title, and claim, if any he hath, or they have, of whatsoever nature or kind the same shall or may be, to the lands aforesaid, which he or they shall have taken possession of or settled, or caused to be occupied, taken possession of, or settled, or which he or they shall have surveyed, or attempted to survey, or caused to be surveyed, or the boundaries thereof, he or they shall have designated, by marking trees or otherwise."

He said so far as this section went to provide against trespasses, it was unnecessary; and so far as it went to operate against persons having rights to land, it was unconstitutional. So far as respected the former, the arm of the law was sufficiently strong, and they might be removed by its ordinary process. It was not contended that this law was meant to apply against them—it would be absurd to say so, when they alleged no rights. The truth was, this was a general law, made to suit a particular case. This had been acknowledged by the gentleman from Virginia. Mr. Q. said he believed no man would contend, that were it not for that case, such a law would pass. He believed making a general law for particular cases, unusual and unconstitutional.

Mr. Q. here recapitulated the Constitutional objections which he before urged.

He observed that the gentleman from South Carolina had referred to a law passed in the year 1799, which prevented any settlement within the Indian boundaries. Could any gentleman compare the case with this? In that case a treaty had been made between the United States and the Indians, one of the provisions of which prevented any citizen from going within the Indian boundary. Mr. Q. said he would use but one other argument, which was, that this law would be a mere nullity. If individuals wished to try their title, as soon as the military attempted to remove them, the courts of justice would interfere; and this would decide the question of title which gentlemen seem afraid to meet.

Mr. DAWSON said, the gentleman from Massachusetts had quoted a law passed in 1799—this was not the law referred to, but one which had been passed in 1804, and which was precisely in point.

Mr. QUINCY said, his reply to this information was, that the law read related to the Louisiana Territory. He hoped that the laws passed relating to that Territory would not be made to apply to the old United States. If it was unconstitutional, it was a nullity; and if they had passed one unconstitutional law, it was no reason for passing another.

Mr. HASTINGS took it that the law read was not in point. If he had heard it correctly read, punishment was only to ensue on conviction, which must previously take place in a regular course of law.

Mr. SLOAN only rose to observe that he hoped the course suggested by the gentleman from Massachusetts would be adopted—that the House would decide on the subject by a silent vote. He was as much against precipitate measures as any member on the floor, but it was well known that this subject had been discussed at large for the four past sessions; and he believed there was not a member in the House that was not acquainted with it. He hoped, therefore, the friends of the bill, of which he was one, would take a silent vote, and not go into the discussion of Constitutional questions at a period when it was impossible to find time.

Mr. HOLLAND said he considered the part of the bill proposed to be struck out, as unconstitutional. What would be its effect? Were they not putting the people under a military government, rendering them liable to be removed by military force, and their property, without trial, to be vested in the United States? He asked gentlemen, if they were prepared to go these lengths? Was it not a privilege guarantied by the Constitution, that no person should be divested of rights, but by a jury trial? He hoped gentlemen were not prepared to go this extreme length to effect a particular purpose, and to decide in this peremptory manner. He hoped they would maturely consider the bill, before they enacted a law so hostile to the Constitution. Suppose you pass it, said Mr. H., is it in your power to carry it into effect? Suppose a marshal should arrest one of these individuals, will he not get a writ of habeas corpus? The judges will not regard it more than a dead letter.

Mr. LYON supported the motion to strike out.

On which the question was taken by yeas and nays—yeas 35, nays 54, as follows:

YEAS—Joseph Barker, Silas Betton, Barnabas Bidwell, John Chandler, Martin Chittenden, Orchard Cook, Richard Cutts, Ezra Darby, John Davenport, jr., James Elliot, William Ely, William Findley, James Fisk, John Fowler, Chas. Goldsborough, Silas Halsey, Seth Hastings, William Helms, James Holland, James Kelly, Nehemiah Knight, Matthew Lyon, Timothy Pitkin, jr., Josiah Quincy, John Russell, Peter Sailly, Henry Southard, William Stedman, Samuel Taggart, Benj. Tallmadge, David Thomas, Joseph B. Varnum, Peleg Wadsworth, Eliphalet Wickes, and Nathan Williams.

NAYS—Evan Alexander, Isaac Anderson, John Archer, David Bard, Burwell Bassett, George M. Bedinger, William W. Bibb, John Blake, jr., Thomas Blount, Robert Brown, William A. Burwell, William Butler, John Claiborne, Matthew Clay, John Clopton, John Dawson, Elias Earle, John W. Eppes, James M. Garnett, Peterson Goodwyn, Isaiah L. Green, John Hamilton, David Holmes, Thomas Kenan, John Lambert, Edward Lloyd, Patrick Magruder, Robert Marion, Josiah Masters, William McCreery, Nicholas R. Moore, Thomas Moore, John Morrow, Roger Nelson, John Pugh, John Randolph, John Rea of Pennsylv'a, Jacob Richards, Thomas Sammons, Thomas Sandford, James Sloan, Dennis Smelt, John Smilie, John Smith, Samuel Smith, Richard Stanford, Philip R. Thompson, John Whitehill, Robert Whitehill, David R. Williams, Marmaduke Williams, Richard Winn, Joseph Winston, and Thomas Wynns.

Mr. QUINCY offered the following proviso to the first section:

"*Provided, also*, That nothing in this act shall prevent any person claiming title to any such lands, under or by virtue of an act or grant of any State, from peaceably entering thereon, for the purpose of being enabled thereby to bring to a judicial decision at law or in equity the validity of the title so claimed."

Mr. QUINCY said he made this motion, because he considered this section no more nor less than levelled at the Judiciary of the United States; and that his vote might be recorded, he would ask for the yeas and nays.

Mr. GOLDSBOROUGH would merely observe that he believed the most correct policy was to preserve the lands of the United States in the exact situation in which they were. He was opposed to the principle of forfeiture, as going too far against the claimants. He was also against this provision, as interfering to operate in their favor. Until a final decision, he hoped the business would rest as it then stood.

Mr. QUINCY said it was not his object to do anything to favor these claims. His only object was to preserve to them the rights they already possessed.

The question was then taken by yeas and nays on the proviso, and decided in the negative—yeas 30, nays 64, as follows:

Yeas—Joseph Barker, Silas Betton, Barnabas Bidwell, John Chandler, Martin Chittenden, Orchard Cook, Richard Cutts, John Davenport, jr., James Elliot, Ebenezer Elmer, William Ely, William Findley, James Fisk, John Fowler, Isaiah L. Green, Seth Hastings, James Holland, Nehemiah Knight, Jeremiah Nelson, Josiah Quincy, John Russell, Martin G. Schuneman, Joseph Stanton, William Stedman, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, Thomas W. Thompson, Eliphalet Wickes, and Nathan Williams.

Nays—Evan Alexander, Willis Alston, jr., Isaac Anderson, John Archer, David Bard, Burwell Bassett, George M. Bedinger, William W. Bibb, John Blake, jr., Thomas Blount, Robert Brown, William A. Burwell, William Butler, George W. Campbell, John Claiborne, Matthew Clay, George Clinton, jr., John Clopton, Frederick Conrad, Leonard Covington, Ezra Darby, John Dawson, Elias Earle, John W. Eppes, James M. Garnett, Charles Goldsborough, Peterson Goodwyn, John Hamilton, David Holmes, John G. Jackson, Walter Jones, James Kelly, Thomas Kenan, John Lambert, Edward Lloyd, Patrick Magruder, Robert Marion, Josiah Masters, William McCreery, Nicholas R. Moore, Thomas Moore, Roger Nelson, John Pugh, John Randolph, John Rea of Pennsylvania, Jacob Richards, Peter Sailly, Thomas Sandford, James Sloan, Dennis Smelt, John Smilie, John Smith, Samuel Smith, Henry Southard, Richard Stanford, Philip R. Thompson, Joseph B. Varnum, John Whitehill, Robert Whitehill, David R. Williams, Marmaduke Williams, Richard Winn, Joseph Winston, and Thomas Wynns.

A motion was then made by Mr. Lattimore to amend the said bill, by adding a new section, in the words following, to wit:

Sec. 2. *And be it further enacted,* That nothing in this act contained shall be construed to apply to any person or persons, or the legal representatives of any person or persons, who were resident in the Mississippi Territory, on the twenty-seventh day of October, one thousand seven hundred and ninety-five, and who had, prior to that day, obtained, either from the British Government of West Florida, or from the Spanish Government, any warrant or order of survey, for lands lying in the said Territory; nor to any other person or persons, or their legal representatives, who may have settled prior to the fifth day of February, one thousand seven hundred and ninety-nine, on a tract of laid in said Territory, consistently with the provisions of the second section of the act, passed the third day of March, one thousand eight hundred and three, regulating the grants of land south of the State of Tennessee: *Provided,* That persons claiming as above shall file their claims with the register of the proper land office, before the first day of January next.

And, on the question thereupon, it passed in the negative—ayes 29, nays 49.

Mr. Fisk said, that rather than have such a principle introduced into the laws of the United States, as was contained in this bill, he would prefer seeing all the Yazoo land sunk in the sea. He had no idea of seeing the rights to property tried at the point of the bayonet. He had often heard the Yazoo represented as a wicked business. He believed it was such; but he had ever hoped that the Judiciary would not be affected by it. This was nothing more nor less than providing by an armed force to turn men off from the land they occupy, and to deprive them of their rights, if they had any. If they had no rights, it was unnecessary to introduce such a principle into the bill; and if they had, they were to be divested of them by an armed force without a trial by jury. He would ask if this were Constitutional? He would ask gentlemen where were the feelings which they had recently displayed for the rights of the people who had sent them here? He wished gentlemen to recollect the maxim they laid down, that it was immaterial who were the persons affected, the rights were the same, and their invasion as dangerous in the person of the lowest wretch as in that of the most exalted character. Mr. F. said he was decidedly against the bill, and should vote for its rejection.

The bill was immediately read the third time.

Mr. Lyon spoke against its passage.

When the question was taken on its passage by yeas and nays, and decided in the affirmative—yeas 57, nays 44, as follows:

Yeas—Evan Alexander, Willis Alston, jun., Isaac Anderson, John Archer, David Bard, Burwell Bassett, George M. Bedinger, William W. Bibb, John Blake, jun., Thomas Blount, Robert Brown, William A. Burwell, William Butler, John Claiborne, Matthew Clay, John Dawson, Elias Earle, John W. Eppes, James M. Garnett, Peterson Goodwyn, Andrew Gregg, John Hamilton, David Holmes, Walter Jones, Thomas Kenan, John Lambert, Edward Lloyd, Patrick Magruder, Robert Marion, Josiah Masters, William McCreery, Nicholas R. Moore, Thomas Moore, Roger Nelson, John Porter, John Pugh, John Randolph, John Rea of Pennsylvania, Jacob Richards, Thomas Sammons, Thomas Sandford, James Sloan, Dennis Smelt, John Smilie, John Smith, Richard Stanford, Philip R. Thompson, Abram Trigg, Philip Van Cortlandt, John Whitehill, Robert Whitehill, David R. Williams, Marmaduke Williams, Alexander Wilson, Richard Winn, Joseph Winston, and Thomas Wynns.

Nays—Joseph Barker, Silas Betton, Barnabas Bidwell, John Chandler, Martin Chittenden, Orchard Cook, Richard Cutts, Samuel W. Dana, Ezra Darby, John Davenport, jun., James Elliot, Ebenezer Elmer, William Findley, James Fisk, John Fowler, Charles Goldsborough, Isaiah L. Green, Seth Hastings, Wm. Helms, Jas. Holland, David Hough, Nehemiah Knight, Joseph Lewis, jun., Matthew Lyon, Jeremiah Morrow, Jonathan O. Mosely, Gurdon S. Mumford, Jeremiah Nelson, Gideon Olin, Timothy Pitkin, jun., Josiah Quincy, John Russell, Peter Sailly, Martin G. Schuneman, Henry Southard, Joseph Stanton, William Stedman, Benjamin Tallmadge, Samuel Tenney, David Thomas, Thomas W. Thompson, Nathan Williams, and Eliphalet Wickes.

The House resolved itself into a Committee of the Whole on the bill making appropriations for carrying into effect certain treaties with the Cherokee and Piankeshaw tribes of Indians. The bill was reported without amendment, and ordered to be engrossed, and read the third time this day.

And then the House adjourned until half past six o'clock, P. M.

Eodem Die—*Half past six o'clock.*

Ordered, That the select committee, to whom was referred, on the tenth ultimo, a message of the President of the United States, of the thirty-first of January last, transmitting a report of the Commissioners under the act, passed the twenty-ninth day of March, one thousand eight hundred and six, entitled "An act to regulate the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio," be discharged from the further consideration thereof.

An engrossed bill making appropriations for carrying into effect certain treaties with the Cherokee and Piankeshaw tribes of Indians was read the third time, and passed.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act providing for the punishment of certain crimes against the United States:" Whereupon,

Resolved, That this House do agree to the said amendment.

The House proceeded to consider the amendment proposed by the Senate to the bill, entitled "An act respecting claims to land in the Territories of Orleans and Louisiana." Whereupon,

Resolved, That this House do agree to the said amendment.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act making appropriations for finishing the south wing of the Capitol, and for other purposes." Whereupon,

Resolved, That this House do agree to the said amendments.

Ordered, That the Committee of the Whole, to whom was committed, on the twelfth ultimo, the bill sent from the Senate, entitled "An act regulating the grants of land in the Territory of Michigan," be discharged from the further consideration thereof.

The bill was then read the third time, and passed.

The House proceeded to consider the bill sent from the Senate, entitled "An act confirming claims to land in the district of Vincennes," and made several amendments thereto at the Clerk's table.

Ordered, That the said bill, with the amendments, be read the third time to-morrow.

The Committee of the Whole, to whom was committed, on the third ultimo, the bill sent from the Senate, entitled "An act to explain the act, entitled 'An act supplementary to an act, entitled 'An act to divide the Territory of the United States Northwest of the river Ohio into two separate governments, were discharged from the further consideration thereof.

Ordered, That the said bill be read the third time to-morrow.

The order of the day for the House to resolve itself into a Committee of the Whole on the bill sent from the Senate, entitled "An act regulating the granting of registers in case of ships and vessels of the United States becoming the property of bank and insurance companies," was postponed indefinitely.

The order of the day for the House to resolve itself into a Committee of the Whole on the bill sent from the Senate, entitled "An act in addition to the act establishing a Mint and regulating the coins of the United States," was postponed indefinitely.

Mr. S. Smith presented to the House a petition of sundry inhabitants of the State of Pennsylvania, praying a revision and amendment of the several acts to establish the judicial courts of the United States.—Laid on the table.

PUBLIC LANDS.

The House resolved itself into a Committee of the Whole on the bill making provision for carrying into effect the Chickasaw treaty.

Having agreed to strike out the following provision, the Committee rose and reported the bill:

Sec. 3. *And be it further enacted,* That if any person shall make, or attempt to make, a settlement on any of the lands thus ceded by the Cherokees and Chickasaws, and lying within the Mississippi Territory, or shall, unless authorized so to do by the surveyor of the public lands, south of Tennessee, survey or attempt to survey such lands, or designate boundaries by marking trees or otherwise, such offender shall, on conviction thereof in any court of the United States, or of any of the Territories of the same, forfeit and pay a sum not less than —— dollars, nor exceeding —— dollars, and suffer imprisonment for a term not less than —— months, nor exceeding —— years; and it shall moreover be lawful for the President of the United States, and he is hereby required, to employ such military force as he may judge necessary, to remove from the said lands any person who shall make or attempt to make any settlement as aforesaid: *Provided,* That nothing herein contained shall affect persons making settlement on lands purchased from the United States in conformity with the preceding section of this act.

The question of concurrence with the Committee having been put—

Mr. J. Randolph hoped the House would not agree to concur; and for a reason which he did suppose would strike every member. It was true that a law had passed the two Houses that would fully provide for the general case of intrusions on the public lands, but which he understood was disavowed by gentlemen to have passed for a particular case. Admit that it was passed for a particular case, and suppose it meets that case, yet it has only passed the two Houses of Congress—it is not a law—it is competent to the Executive to put his negative upon it. I do not mean to say, said Mr. R., that this is probable, but this House ought never to consent to pass a law covering the Yazoo claims, without accompanying the appropriation with some similar provision, to put it out of the power of either branch of the Government to defeat the manifest intentions of this House.

If the President had notified to us that the act we had passed was a law, then the suggestions we have heard urged would be proper. But what would be the situation of the House if the bill passed this morning should be returned with the negative of the President; and if this act, without this provision, had in the mean time passed the House? When I say this, I do not mean to insinuate the least probability of a negative, but it becomes the House to be true to themselves and the nation, and not to neglect their duty, under the idea of others doing their duty. The Senate, I am now advised, are electing a President *pro tempore.* It might happen that the President and Vice President should both die to-night; the President *pro tempore* would then be the Executive. This is not probable, but possible; and it becomes us so to act that nothing which can occur shall be able to defeat our purpose.

Mr. **Fisk** said, if he were disposed to render the proceedings of the House perfectly ridiculous, he would agree to the proposition of the gentleman from Virginia. They had already passed a bill to prohibit persons from intruding on the public lands, which inflicted a different punishment from that contained in this bill. If the bill passed in its present shape, which law would govern? The bill we have passed forfeits the property, while this does not forfeit it, but imposes a different penalty. Would the court inflict one or both the punishments? One error produces another, and the moment one false step is taken, the more a man blunders the more he is involved in difficulty.

Mr. J. **Randolph** said, he could not conceive the *argumentum ad absurdo* in the same light with the gentleman from Vermont. It might be from some natural defect, or from the fatigue of attending ten or twelve hours a day, his mind was clouded. But no proposition appeared to him clearer than this: that if the House meant that the lands in the four Georgia settlements should never be open for settlement, unless accompanied by a law for the punishment of intruders, then they ought to retain this section. There was no imperious necessity for carrying the Chickasaw treaty into effect, though he was willing, on proper terms, to make provision for it; but the same reason that induced them to refuse appropriations the last session until removed, ought to have the same effect this session. If gentlemen would show that a bill in an inchoate state had the force of a law, the arguments urged against this provision would be correct; but this cannot be done. Ought you to legislate on a subject of this nature, on an uncertainty; when a certainty can be obtained? Will any man say that that is as certain which has not taken place as that which has?

It is not certain that a bill passed by the two Houses will become a law. I recollect, when a boy, attending in the lobby, when a bill for apportioning representatives came from General Washington, with his reasons of dissent, and that it was actually rejected by the two Houses. What happened in that instance may happen again—may possibly happen. No man can deny this. We ought, therefore, to guard against such a possibility. I have no objection to strike out this section, provided gentlemen agree to insert the provisions of the bill we have passed. If the bill passes in its present shape, it will at best be a work of supererogation. If one law punishes by fine and imprisonment, and the other by a forfeiture of the property, I do suppose the intruder would incur both the penalties. Suppose, for smuggling, a man should be subject by one act to a forfeiture of the property, and afterwards another act should be passed punishing him with fine and imprisonment, he would undoubtedly incur all the penalties. If, however, the bill we have passed shall to-morrow become a law, which it is almost certain that it will, then this provision may be amended, or changed, or modified, by the other branch of the Legislature. But should there, notwithstanding, be no necessity for two punishments for the same offence, it would be competent, I presume, for the attorney of the district to indict under either law. I wish, however, the House to recollect, that I disclaim all professional knowledge of law—a little knowledge on this subject is a dangerous thing—and from all evils defend me from little lawyers.

Mr. **Fisk**.—The gentleman thinks the attorney may indict under either law. After the remarks we have heard from him, he need not tell us that he knows little of law. What will be the effect of this, if this provision is retained? Will equal justice be rendered to all men? One man will be punished for the same offence in a particular way under one law, and in a different way under another. If this is justice, I have been eternally in the dark, and I acknowledge my ignorance. One law is not a supplement to the other, but they are both supreme. The point is too ridiculous for argument.

Mr. **Alexander** said, that every reason which had induced the House to adopt the bill passed in the morning operated with equal force to retain this section. He should, therefore, vote against striking it out.

Mr. **Bibb** said, that a short time having only elapsed since he had taken his seat in the House, he had not intended thus early to have taken a part in debate; but as this was a subject on which his own feelings were much interested, and in which the interests of his constituents were deeply involved, he should submit a few observations, the object of which would be to show that there was no absurdity in the section under consideration. It was true they had passed a general law respecting intrusions on the public lands, but they might now think it proper to pass a particular law relative to particular cases, to make the punishment of settling on these lands greater than for settling on the other lands of the United States. Whence this necessity? They knew that these lands were pretended to be claimed by a large body of men, headed by persons in high authority. The punishment under the general law only provided for removal, and for a forfeiture of the property. He believed these penalties would not deter these people from intruding on the lands they claim. His object was, in case they make such intrusion contrary to law, to put them in jail and keep them there. It was however said that these two laws would come in conflict with each other. But he could see no difficulty on this score, as the one was general and the other particular in its application. In this instance, therefore, the decision must be under that act which is particularly applicable to this case."

Mr. **BIDWELL.**—Suppose both acts go into effect; this is not an additional punishment for the same offence. It applies to the same land as the other law, and punishes the act as a distinct offence. The same person is liable to be punished under both acts for the same offence. It appears to me, in whatever light gentlemen view the offence, it would be a violation of justice to subject a person to two different trials for the same thing.

Mr. J. **RANDOLPH** said he had waited, contrary to his inclination, to get this treaty carried into effect. As soon as it was passed he should go home. His friend from Georgia had stated a strong reason for retaining this section, to wit: that the people against whom it was intended to guard were without any species of right. A little reflection, said Mr. R., would have enabled me to see that the gentleman from Vermont and other gentlemen are on this occasion only laboring in their vocation. It did not strike me that those gentlemen opposed the bill we passed in the morning. Had this circumstance occurred to me, I should have suffered the thing to take the same course it did before. I will, however, call the attention of the House to the Wyoming case. What did Pennsylvania in that instance do? She tampered and applied palliations, till the people bullied her out of the land. The same thing took place in Ohio—a number of people went there and sat down on the public lands, and they continued their applications until they found a Congress disposed to come into their views, to take a million of acres from the public and give to them. I venture to say, that if it comes to mere quibble, the Yazoo people can show a more colorable claim, (though I contend they have no claim,) to botch up their demands, than the people of New York or the Connecticut Reserve, who did not pretend to show even a royal grant, or even a shred of parchment, and yet they got the land. How did they get it? In the same way that the Yazoo people will get this land, unless some such act as this is passed; for I am of opinion, since my friend from Georgia has spoken, that the act passed this morning will not be a sufficient remedy. The real springs of this business are here, at New York, and at Boston. The miserable creatures who sat down on these lands will, under the law we have passed, only forfeit their leases. I do think the observations of my friend from Georgia have great weight, and if the law passed this morning were in the office of the Secretary of State, I should still be for this provision. I think the case calls for strict legislative attention, and I hope the House will never agree to extinguish the Indian title to these lands without an accompanying provision to prevent any lawless attempts to rob the people of their patrimony.

Mr. **SLOAN.**—I will not take up the time of the House in stating possible occurrences, although I might suppose that an earthquake would sink us before the hour of adjournment. I rise only to notice the observation of the gentleman that those opposed to the other bill are in favor of striking out this section. I was a zealous friend of that bill, but I hope the laws of the United States will not be turned into ridicule. I will suppose a plain case. I will suppose a State to pass a general law for the punishment of a crime throughout the State, and another law, with different penalties, for punishing it in a particular county—would not that be absurd? I think the law passed in the morning is sufficient, and I hope we shall never so depart from the principles of justice as to point the finger of scorn at a particular part of the country.

Mr. **HOLLAND** said he would not be opposed to preventing, by proper laws, persons from settling on the public lands; but so cautious were all laws that respected the rights of individuals, even where there was only a color of title, and so cautious had been the people in the State which he represented, that no power existed to remove a man but through a course of law. He thought the same course ought to be pursued by the United States, and that the rights of individuals ought not to be prejudged by the Legislature of the Union, who ought in such cases to be particularly careful not to entrench on the powers of the Judiciary.

Mr. **QUINCY** rose to make a single observation. He should say nothing of the general principle contained in it, but he took the object of this section to be no other than to coerce the Executive; for the gentleman from Virginia had told them that if they passed this provision, this bill would still be under their direction, if the Executive did not approve the general law. Suppose the Executive should reject that bill; but for the fear of losing this, would gentlemen pretend to say that this was a proper course for the Legislature to pursue?

Mr. **SMILIE** said he had several objections to the provision. He should, however, state but one. He should never agree to punish the same offence with different punishments.

Mr. **ALSTON.**—I am sorry to take up the time of the House, but when I hear principles contended for so injurious to the State which I have the honor to represent, I cannot remain silent. It has been the great wish of the people of that State for several years past to get the Indian titles extinguished, to which effect we have received repeated instructions. This is the land which North Carolina considered as belonging to her before the formation of this Government, and since the whole delegation has, year after year, waited on the President to obtain an extinguishment of the Indian title. Now, after this object has been effected, it is proposed to clog it with a provision which cannot fail to defeat it. Last year a similar provision was sent to the Senate, who, in consequence of it, rejected the bill. We find to-day the Representatives from Tennessee and North Carolina voting for the bill passed this morning, that they might insure the passage of this bill. Nothing could have induced me to vote for that bill but this consideration. Does not that bill contain sufficient penalties to guard against intrusion on the public lands? Mr. A. said, when he saw the small majority by which the bill passed this morning had passed the Senate, he was persuaded, if this provision were introduced in this bill, it would not receive the approbation of that body.

Mr. Eppes.—I would not wish to oppose the report of the committee if I supposed a non-concurrence with it would jeopardise the bill. But if an opinion of the sense of the House could be formed from their proceedings of this day, I must be led to infer that a majority was disposed to take such measures as would be calculated to prevent an illegal settlement of the public lands by persons of this description. As to the doctrine of the gentleman from North Carolina that no Legislative body ought to undertake to settle the rights of citizens, I require him to show how, by this law, the rights of citizens are settled. The act has only undertaken to punish a crime. Was this a decision of right? If a question of right comes forward, will not this law go before the court? It is true the court must either declare a forfeiture or declare this act unconstitutional. After this decision, I will have no hesitation to exercise my Constitutional right of impeachment. So far as I may be concerned, I shall be willing to exercise the Constitutional corrective, and to remove the man from office who dares to exercise such an authority. By this act both sides will be put on the same footing—there will be no party in possession. If the individuals who claim these lands were in possession of them they would have an advantage over the public. I consider this House as much bound to protect the public land as the public money, and we shall not deserve the public confidence if we do not guard the one as effectually as the other. I believe if a man settles on the public lands he may be punished under both laws. I shall therefore vote for both, as I believe in such a case we cannot be too rigid, or the Legislature too rigid in expressing their indignation. Let it be recollected that these people derived their rights from a corrupt Legislature; that there was but one individual, Robert Watkins, of that Legislature, that was not bribed. This is a fact; and while it is remembered, it will be a damning fact among all honest men.

Mr. Jackson.—When I hear such principles as those which have fallen from my colleague broached on this floor, I deem it my duty not to pass them unnoticed. I do protest against the assumption of Judicial power by the Legislature, or of any power which shall prevent the courts of justice from deciding on the claims of individuals. My colleague says, when the opinion of Congress shall have been deliberately expressed, he will impeach the judge who shall oppose it. But I will ask if the opinion of Congress has been deliberately expressed in this case? It has not been, and cannot be. Gentlemen have been carried from the sober and reflecting ground of their judgment. I do consider the Judiciary the great safeguard of the citizen against the Legislature and the Executive, if they attempt to overstep the powers conferred upon them by the Constitution. I will put the case of the passage of an *ex post facto* law, under which a man declared by the Judiciary to have certain rights is divested of them by an act of the Legislature. Will not the Judiciary be permitted in such a case to pronounce the law unconstitutional without the dread of an impeachment? Yes, I trust they will; and if they shall not have virtue enough to do so, I for one will be ready to say they deserve to be removed from office. Though I believe it right to pass proper laws for preventing intrusions on the public lands, yet I think it unnecessary to pass laws upon laws, all having the same effect, on the hypothesis that the Executive may not sign the bill we have already sent him. Will you try a man under two laws for the same offence? I will never consent to such an absurdity—to suffering him to be tried under one law, and if the jury acquits him, ordering him to be then tried under another. I will never agree to such an unjust course of procedure.

Mr. M. Williams, though in favor of the bill passed this morning, was against this section, as the latter did not inflict so great a penalty as the former. The two distinct provisions appeared to him to involve an absurdity. Nor was there the least reason, in his opinion, to be so jealous as to suppose that the act passed in the morning would not go into operation. He was willing to adopt strong measures to prevent an intrusion on the public lands, but when it was proposed to go such absurd lengths, he should be opposed to it.

The question was then taken on striking out the section, and carried—yeas 55. The bill was then read a third time and passed.

Tuesday, March 3.

The bill sent from the Senate, entitled "An act confirming claims to land in the district of Vincennes," together with the amendments agreed to yesterday, were read the third time, and passed.

Mr. Samuel Smith presented to the House a petition of sundry inhabitants of the State of Pennsylvania, praying an amendment to the second section of the third article of the Constitution of the United States, which extends the judicial power of the United States, "to controversies between citizens of different States, between citizens of the same State claiming lands under 'grants of different States, and between a State 'or the citizens thereof and foreign States, citizens, or subjects."—Laid on the table.

The further consideration of the bill sent from the Senate, entitled "An act to explain the act, entitled 'An act supplementary to an act, entitled 'An act to divide the territory of the United States Northwest of the river Ohio into two separate Governments," was postponed indefinitely.

The House resolved itself into a Committee of the Whole on the bill in addition to an act, entitled "An act in addition to an act, entitled 'An act supplementary to the act providing for a Naval Peace Establishment, and for other purposes." The bill was reported with an amendment thereto; which was read, and agreed to by the House.

Ordered, That the said bill, with the amendment, be engrossed, and read the third time this day.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act allowing an additional compensation to the Judges of the Mississippi Territory, and extending the right of suffrage therein: Whereupon,

Resolved, That this House doth agree to the first and second, and doth disagree to the third and fourth of the said amendments.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act for the relief of Daniel S. Dexter:" Whereupon,

Resolved. That this House doth agree to the said amendments.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act for the the relief of Stephen Sayre:" Whereupon,

Resolved, That this House doth agree to the said amendments.

The order of the day for the House to resolve itself into a Committee of the Whole on the bill sent from the Senate; entitled "An act in addition to the act to regulate the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio," was postponed indefinitely.

The House proceeded to consider the bill sent from the Senate, entitled "An act to reduce the expenses attending the administration of justice in the District of Columbia," and made an amendment thereto: Whereupon,

Ordered, That the said bill, with the amendment, be now read the third time, and passed.

An engrossed bill in addition to an act, entitled "An act in addition to an act, entitled 'An act supplementary to the act providing for a Naval Peace Establishment, and for other purposes," was read the third time, and passed.

The Committee of the whole House to whom was committed, on the 13th instant, the bill sent from the Senate, entitled "An act to regulate the summoning of grand jurors," were discharged from the farther consideration thereof; and, on the question that the said bill be read the third time this day, it passed in the negative. And so the bill was rejected.

The bill sent from the Senate, entitled "An act providing for the appointment of Commissioners to ascertain the practicability of removing the obstructions in the navigation of the Ohio at the Rapids," was read twice, and committed to a Committee of the Whole this day.

The House, accordingly, resolved itself into the said committee; and, after some time spent therein, the committee rose, and were refused leave to sit again.

The farther consideration of the bill sent from the Senate, entitled "An act supplementary to an act, entitled 'An act fixing the Military Peace Establishment of the United States," was postponed indefinitely.

The House resolved itself into a Committee of the Whole, on the bill authorizing the discharge of Gilbert Drake from his imprisonment. The bill was reported without amendment, and ordered to be engrossed, and read the third time this day.

Ordered, That the further consideration of the bill to alter and establish certain post roads, and for other purposes, be postponed indefinitely.

On motion of Mr. VARNUM,

Resolved, That a committee be appointed to bring in a bill to establish a post road from New Orleans to the Balize, and from New Orleans to Rapide; and to authorize the President of the United States to open a road from the thirty-first degree of North latitude to New Orleans, on the route from Athens to New Orleans.

And a committee was appointed, of Messrs. VARNUM, CLARKE, and GEORGE W. CAMPBELL.

The House resolved itself into a Committee of the Whole on the bill making compensation for extra services to the Governor, Judges, and Secretary, of the Indiana Territory. The bill was reported with several amendments thereto; which were severally twice read, and agreed to by the House.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time this day.

Mr. VARNUM, from the committee appointed this day, presented a bill to establish certain post roads, and for other purposes; which was read twice, and committed to a Committee of the Whole this day.

The House accordingly resolved itself into the said committee. The bill was reported without amendment, and ordered to be engrossed, and read the third time this day.

A message from the Senate informed the House that the Senate have passed the bill sent from this House, entitled "An act making further appropriations for fortifying the ports and harbors of the United States, and for building gunboats," with several amendments; to which they desire the concurrence of this House: the bill, entitled "An act making appropriations for the support of Government, during the year one thousand eight hundred and seven," with several amendments; to which they desire the concurrence of this House: the bill, entitled "An act for the relief of Oliver Pollock," with an amendment, to which they desire the concurrence of this House.

The House proceeded to consider the amendment proposed by the Senate to the bill, entitled "An act for the relief of Oliver Pollock;" and the same being twice read, was, on the question thereupon, agreed to by the House.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act making further appropriations for fortifying the ports and harbors of the United States, and for building gunboats;" and the same being again twice read, were, on the questions severally put thereupon, agreed to by the House.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act making appropriations for the support of

Government, during the year one thousand eight hundred and seven;" and the same being twice read, were, on the question severally put thereupon, agreed to by the House.

An engrossed bill authorizing the discharge of Gilbert Drake from his imprisonment was read the third time, and passed.

The House resolved itself into a Committee of the Whole on the bill for the relief of Isaac Briggs; and, after some time spent therein, the committee rose, and were refused leave to sit again.

A message from the Senate informed the House that the Senate have passed the bill, sent from this House, entitled "An act making appropriations for carrying into effect a treaty between the United States and Chickasaw tribe of Indians," with several amendments; to which they desire the concurrence of this House.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act making appropriations for carrying into effect a treaty between the United States and Chickasaw tribe of Indians;" and the same being again twice read, were, on the question severally put thereupon, agreed to by the House.

An engrossed bill to establish certain post roads, and for other purposes, was read the third time, and passed.

Eodem Die, half past 6 *o'clock.*

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act repealing the acts laying duties on salt, and continuing in force, for a further time, the first section of the act, entitled "An act further to protect the commerce and seamen of the United States against the Barbary Powers," with an amendment; to which they desire the concurrence of this House.

Ordered, That the farther consideration of the bill for the relief of Edward Weld and Samuel Bebee be postponed indefinitely.

The House proceeded to consider the amendment proposed by the Senate to the bill, entitled "An act repealing the acts laying duties on salt, and continuing in force, for a further time, the first section of the act, entitled 'An act further to protect the commerce and seamen of the United States against the Barbary Powers;" and the same being again twice read, was, on the question put thereupon, agreed to by the House.

An engrossed bill making compensation for extra services to the Governor, Judges, and Secretary of the Indiana Territory, was read the third time, and passed.

Resolved, That the Clerk of the House of Representatives be directed, within one month after the close of the present session of Congress, to advertise three weeks successively, in two newspapers, printed in the District of Columbia, that he is ready to receive separate proposals for supplying the House of Representatives, for the next Congress, with the necessary stationery, printing, and wood for fuel, in manner prescribed by two resolutions, passed by the House of Representatives, the first on the twenty-eighth of February, one thousand eight hundred and five, and the other on the twenty-first of April, one thousand eight hundred and six.

A message from the Senate informed the House that the Senate insist upon the amendments proposed by them to the bill, entitled "An act allowing an additional compensation to the Judges of the Mississippi Territory, and extending the right of suffrage therein."

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act allowing an additional compensation to the Judges of the Mississippi Territory, and extending the right of suffrage therein." Whereupon,

Resolved, That this House doth recede from their disagreement to the third and fourth amendments insisted on by the Senate to the said bill.

On motion, it was

Resolved, That Mr. Varnum, Mr. Alston, and Mr. Gregg, be appointed a committee, on the part of this House, jointly, with such committee as may be appointed on the part of the Senate, to wait on the President of the United States, and notify him of the proposed recess of Congress.

The House were notified that a similar committee had been appointed on the part of the Senate.

On motion of Mr. Varnum,

Resolved, That the Clerk of this House be, and he is hereby, authorized and directed to pay, out of the contingent fund, to John Philips, Elexius Spalding, and Richard Steward, the sum of fifty dollars each, for their extra services during the present session.

On motion of Mr. Gregg, it was resolved unanimously, that the thanks of this House be presented to Nathaniel Macon, in testimony of their approbation of his conduct in the discharge of the arduous and important duties assigned to him whilst in the Chair: Whereupon,

Mr. Speaker made his acknowledgments to the House, in manner following:

"*Gentlemen*: It has been my constant endeavor to perform faithfully the promise made to you two years ago, to discharge the trust reposed in me with industry and fidelity. For the resolution which you have this minute passed, I earnestly beg of you to accept my sincere thanks; permit me also to assure you, that it will be always remembered with gratitude. I wish you safe home, and a happy meeting with your friends."

Mr. Varnum, from the committee appointed on the part of this House, jointly, with the committee appointed on the part of the Senate, to wait on the President of the United States, and notify him of the proposed recess of Congress, reported that the committee had performed that service, and that the President signified to them he had no further communication to make during the present session.

Ordered, That a message be sent to the Senate to inform them that this House, having completed the business before them, are now about to adjourn without day; and that the Clerk of this House do go with the said message. The Clerk accordingly went with the said message; and, being returned, Mr. Speaker adjourned the House *sine die.*

APPENDIX

TO THE HISTORY OF THE NINTH CONGRESS.

COMPRISING THE MOST IMPORTANT DOCUMENTS ORIGINATING DURING THAT CONGRESS, AND THE PUBLIC ACTS PASSED BY IT.

PROCLAMATION

By the President of the United States of America.

Whereas satisfactory information has been received that Henry Whitby, commanding a British armed vessel, called the Leander, did on the twenty-fifth day of the month of April last, within the waters and jurisdiction of the United States, and near to the entrance of the harbor of New York, by a cannon shot fired from the said vessel Leander, commit a murder on the body of John Pierce, a citizen of the United States, then pursuing his lawful vocation within the same waters and jurisdiction of the United States, and near to their shores; and that the said Henry Whitby cannot at this time be brought to justice by the ordinary process of law.

And whereas it does further appear that, both before and after the said day, sundry trespasses, wrongs, and unlawful interruptions and vexations, on trading vessels coming to the United States, and within their waters and vicinity, were committed by the said armed vessel the Leander, her officers, and people; by one other armed vessel, called the Cambrian, commanded by John Nairne, her officers, and people; and by one other armed vessel, called the Driver, commanded by Slingsby Simpson, her officers, and people, which vessels, being all of the same nation, were aiding and assisting each other in the trespasses, interruptions, and vexations aforesaid.

Now, therefore, to the end that the said Henry Whitby may be brought to justice, and due punishment inflicted for the said murder, I do hereby especially enjoin and require all officers having authority, civil or military, and all other persons within the limits or jurisdiction of the United States, wheresoever the said Henry Whitby may be found, now or hereafter to apprehend and secure the said Henry Whitby, and him safely and diligently to deliver to the civil authority of the place, to be proceeded against according to law.

And I do hereby further require that the said armed vessel the Leander, with her officers and people, and the said armed vessels the Cambrian, and Driver, their officers and people, immediately and without any delay, depart from the harbors and waters of the United States. And I do forever interdict the entrance of all other vessels which shall be commanded by the said Henry Whitby, John Nairne, and Slingsby Simpson, or either of them.

And if the said vessels, or any of them, shall fail to depart as aforesaid, or shall re-enter the harbors or waters aforesaid, I do in that case forbid all intercourse with the said armed vessels, the Leander, the Cambrian, and the Driver, or with any of them, and the officers and crews thereof, and do prohibit all supplies and aid from being furnished them, or any of them. And I do declare and make known, that if any person, from or within the jurisdictional limits of the United States, shall afford any aid to either of the said armed vessels, contrary to the prohibition contained in this Proclamation, either in repairing such vessel, or in furnishing her, her officers, or crew, with supplies of any kind, or in any manner whatever; or if any pilot shall assist in navigating any of the said armed vessels, unless it be for the purpose of carrying them in the first instance beyond the limits and jurisdiction of the United States; such person or persons shall, on conviction, suffer all the pains and penalties by the laws provided for such offences. And I do hereby enjoin and require all persons bearing office, civil, or military, within the United States, and all others, citizens or inhabitants thereof, or being within the same, with vigilance and promptitude to exert their respective authorities, and to be aiding and assisting to the carrying this Proclamation, and every part thereof, into full effect.

In testimony whereof, I have caused the seal of the United States to be affixed to these [L. S.] presents, and signed the same with my hand.

Given at the City of Washington, the third day of May, in the year of our Lord one thousand eight hundred and six, and of the sovereignty and independence of the United States the thirtieth.

TH. JEFFERSON.

By the President:
JAMES MADISON, *Secretary of State.*

By the President of the United States of America.

A PROCLAMATION.

Whereas information has been received that sundry persons, citizens of the United States, or residents within the same, are conspiring and confederating together to begin and set on foot, provide and prepare the means for a military expedetion or enterprise against the dominions of Spain;

that, for this purpose, they are fitting out and arming vessels in the Western waters of the United States, collecting provisions, arms, military stores, and means, are deceiving and seducing honest and well-meaning citizens, under various pretences, to engage in their criminal enterprises, are organizing, officering, and arming themselves for the same, contrary to the laws in such cases made and provided: I have, therefore, thought proper to issue this my PROCLAMATION, warning and enjoining all faithful citizens, who have been led without due knowledge or consideration to participate in the said unlawful enterprises, to withdraw from the same without delay; and commanding all persons whatsoever, engaged or concerned in the same, to cease all further proceedings therein, as they will answer the contrary at their peril, and incur prosecution with all the rigors of the law. And I hereby enjoin and require all officers, civil and military, of the United States, or of any of the States or Territories, and especially all Governors, and other Executive authorities, all judges, justices, and other officers of the peace, all military officers of the army or navy of the United States, or officers of the militia, to be vigilant, each within his respective department, and according to his functions, in searching out, and bringing to condign punishment, all persons engaged or concerned in such enterprise, in seizing and detaining, subject to the disposition of the law, all vessels, arms, military stores, or other means provided or providing for the same, and, in general, in preventing the carrying on such expedition or enterprise, by all lawful means within their power; and I require all good and faithful citizens, and others, within the United States, to be aiding and assisting herein, and especially in the discovery, apprehension, and bringing to justice of all such offenders, in preventing the execution of their unlawful designs, and in giving information against them to the proper authorities.

In testimony whereof I have caused the seal of the United States to be affixed to these [L. S.] presents, and have signed the same with my hand.

Given at the City of Washington, on the twenty-seventh day of November, one thousand eight hundred and six, and in the year of the sovereignty of the United States the thirty-first.

TH. JEFFERSON.

By the President:
JAMES MADISON, *Secretary of State.*

SPAIN.

A translation from the French of the Marquis de Casa Yrujo's Circular, addressed to the different foreign Ministers, accredited near the United States.

SIR: The want of correctness, which appears to prevail throughout the article, relative to Spain, of the Message which the President of the United States sent to Congress on the 3d instant, compelled me to transmit on the sixth of said month, to the Secretary of State, the note of which I have the honor of enclosing to you a translated copy. The extreme publicity given to said Message, as well as to the documents relative to the above-mentioned article, sent to Congress, some time after, caused me to hope that Government, from the ostensible purity of its intentions, would have tended to present the affairs in question under their true point of view. I have been waiting in silence, for more than forty days, in expectation of this act of justice, but I have waited for it in vain; and as no hopes any longer remain of seeing it verified, I have thought it my duty, sir, to transmit you a copy of this document, for the information of your Court, with the object that, whatever may have been the light under which the President of the United States may have thought proper to present the conduct of Spain, it may be known that the King my master, in his political relations with the United States, has always manifested that good faith, so well known, which is the true character of his Government, acting toward them always with justice, and very often with generosity.

Accept, sir, the sentiments of high consideration with which I have the honor to be, your most obedient humble servant,

MARQUIS OF CASA YRUJO.

P. S. I authorize you, sir, to give copies not only of my note, but even of the present letter.

PHILADELPHIA, *Jan.* 21, 1805.

TRANSLATION.

SIR: The zeal with which I have endeavored to preserve the harmony and good understanding between Spain and the United States, has caused me to read with particular regret the article of the President's Message, sent to Congress the 3d instant, respecting the political relations between the United States and the King my master. As in the exposition to which I allude, there exist, in my opinion, several mistakes of a delicate and important tendency, although I render to the President due justice in regard to the motives which may have caused this apparent want of correctness, yet my character imposes on me the task of entering into an examination of some of his assertions, and of demonstrating that, either from the want of exact information, or owing to defective translations, they appear, in some cases, not altogether correct.

In the article of the President's Message, relative to Spain, after mentioning that the negotiations for the settlement of the existing differences had not had a satisfactory issue, he says: "Spoliations during the former war for which she 'had formally acknowledged herself responsible, 'have been refused to be compensated, but on conditions affecting other claims in no wise connected with them. Yet the same practices are renewed in the present war, and are already of 'great amount." It is very well known that, in a state of war, there exists and will probably ever exist, a certain degree of force, confided to subaltern hands. Even the United States themselves have not been an exception to this general rule, and during the short period of hostilities with France, in the year 1798, notwithstanding no privateers were armed, and that their protecting forces consisted only of a small number of frigates, neutrals experienced from them many injuries, well authenticated by the numerous claims on this Government by the injured Powers, principally on the part of Denmark and Sweden.

Probably there might have existed last war some abuses of this nature, although very rare, on the part of the Royal navy of Spain; but the King, my master, animated by that love of justice which characterizes him, authorized his principal Secretary of State to sign a convention with the American Minister near his person, in which were stipulated reciprocal compensations for the damages and injuries their respective subjects and citizens might have sustained from officers or individuals of either, contrary to the rights and laws of nations. This stipulation, similar to that of the same nature in the Treaty of Friendship, Navigation, and Limits, concluded in 1795, and scrupulously complied with by my Sovereign, would now have had the same effect by the ratification of the Convention, had not an article been inserted therein tending to impose on Spain the obligation of a responsibility both detrimental and important in its result, as well as unsupported by reason and justice under the existing circumstances. My Court has, in a direct manner, as well as through me, repeatedly manifested to the American Government its readiness to carry the said stipulation into effect, whenever the article in the same convention relative to the abovementioned responsibility, should either be suppressed or altered in a manner more conformable to justice, and has been so far from refusing to satisfy said compensations on account of other claims in no wise connected with them, that it was precisely because they are connected that the said convention has not been carried into effect, as was and still is the wish of the King my master.

It is true that the two subjects by their nature are not connected with each other in themselves, but it is also true, that this connexion is very great, when we consider that an endeavor is made to form out of these two things, distinct in themselves, component parts of the same whole, thereby placing the King, my master, under the disagreeable dilemma of either refusing to ratify a stipulation which he conceives to be just, and therefore wishes to fulfil, or else of taking on himself a responsibility, more or less direct, in favor of the United States, to which it is well proved they have no right to pretend.

In regard to what concerns the new spoliations, I can assure you, sir, few are those that can strictly merit this denomination on the part of Spanish vessels, as many of the captures, which so frequently figure in the American papers, arise either from acts of contraband, or from a want of having on board the documents required by the Treaty of 1795, or even from other circumstances which the captains and owners of the said prizes will take good care to conceal; besides, on this head, the citizens of the United States would receive that justice which they have already experienced on the same subject in virtue of the Treaty of 1795. I cannot but observe that, although I had the honor of communicating to you, sir, two months ago, that the strictest injunctions had been given by the King, my master, not to interrupt the navigation of American citizens, when employed in lawful trade, no mention is made by the President of this circumstance, as highly important in its effects toward the American commerce, as it is necessary to demonstrate his just and pacific intentions.

Without any view to recrimination, I find it necessary to observe that, although the violations of the rights of neutrals are infinitely more frequent and extensive on the part of England, whose vessels of the Royal navy have almost continually blockaded the ports of the United States, and, what is more, when this Power daily establishes new principles on the rights of neutrals, which, in reality, tend to undermine and annihilate them—the name of Great Britain is nowhere to be found in the columns of the President's Message.

These circumstances, in themselves, would not authorize any animadversions on my part, were it not for a more essential one, which immediately affects the interests of the King, my master. I allude to the many American sailors, violently forced from the shelter of the flag which ought to protect them, and compelled to fight on board of British ships of war, against the subjects of the King, my master. I cannot but call the attention of the Government of the United States toward such a conduct, that, in their wisdom, they may adopt the necessary measure to correct an abuse, which, at the same time that it violates their neutrality, is extremely prejudicial to Spain.

The President adds: "On the Mobile, our commerce, passing through that river, continues to 'be obstructed by arbitrary duties and vexatious 'searches." Although this assertion is not accompanied by any observation whatever which might cause it to be viewed as a national offence, I must observe that, according to my information, the duties on imports and exports are very moderate, only six per cent.,* that every Power has a right to regulate, as they please, these objects within the boundaries of their jurisdiction, and that this exercise of sovereignty is practised by the American Government at Fort Stoddert: that is, within their lines, without any pretension on the part of Spain to interfere in their regulations. But, even admitting it may be troublesome, it never surely can be pretended as a national offence.

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* Note.—It is necessary to remark that the navigation of the Mobile, which appears to furnish the President a motive of complaint, is enjoyed by the Americans, in consequence of the gracious indulgence on the part of Spain; as no right does yet exist, to navigate the waters of that river within the boundaries of Spain, who holds exclusively that right grounded on sovereign possession, on the opinions of the most celebrated civilians, and supported by the very principles established by the American Government, through the medium of their Attorney General, Bradford, in the case of the prize Grange, taken on the waters of the Delaware. After this, it is necessary to confess, that the animadversions of the President upon this head are as unjust as they are impolitic.

He afterward says: "Propositions for adjusting amicably the boundaries of Louisiana have not been acceded to." This assertion is not strictly correct; for it is, and always has been, the wish as well as the intention of Spain, to adjust amicably the limits of Louisiana; but however friendly (amicable) may have been her disposition toward it, she cannot sacrifice thereto either the dignity or rights of her Crown; so that it was not, as the President supposes, owing to the want of a desire of adjusting amicably, that this business was not concluded; but rather from the nature of the proposals, which were in themselves inadmissible. The paragraph continues: "While 'the right is unsettled, we have avoided to change 'the state of things, by taking new posts, or 'strengthening ourselves in the disputed Territories, in the hope that the other Power would not, 'by a contrary conduct, oblige us to meet their 'example, and endanger conflicts of authority, 'the issue of which may not easily be controlled; 'but, in this hope, we have now reason to lessen 'our confidence." In truth, I cannot comprehend what the President can call unsettled right; and still less, if he wishes to apply it to that part of West Florida comprehended within the Mississippi, Iberville, the Lakes, and the river Perdido. The right of this Territory cannot be considered as unsettled or doubtful; for, independent of that right arising from actual possession and from the treaty of retrocession of Louisiana to France, there is another conclusive circumstance, well known to the American Government, which ought and must dissipate every doubt, if any could ever exist on this subject. The most distinguished civilians agree, that the true interpreters of a treaty doubtful in any of its clauses or expressions, are the contracting parties themselves, when this can be obtained. Spain and France, who were the contracting parties in the treaty of retrocession, on which is founded that of sale, of the 30th of April, from whence the pretensions of the American Government emanate, have explained it in the manner already known to you, sir: namely, that it was not the intention of Spain to cede to France more than she had received from her, as the title and word "retrocession" made use of therein clearly imply; and that France would never have pretended or hoped to obtain one inch of land east of the Mississippi, and the Lakes. The true intention of the contracting parties being thus expressly manifested, I shall content myself by copying a single paragraph from *Vattel*, among many other similar ones, which I could produce from other civilians, in support of the rights of the King, my master, on this subject. In paragraph 274 of "The Interpretation of Treaties," *Vattel* says: "When we manifestly 'see what is the sense that agrees with the intention of the contracting parties, it is not permitted to turn their words to a contrary meaning. 'The intention sufficiently known furnishes the 'true matter of the convention, of what is promised and accepted, demanded and granted. To 'violate the treaty, is to go contrary to the intention sufficiently manifested, rather than against 'the terms in which it is conceived; for the 'terms are nothing without the intentions 'throughout to dictate them." According to this, the position taken by the President, in the said paragraph of his Message, that the right (no doubt alluding to the Territorial right) was doubtful or unsettled, is inadmissible, and of course all the inductions and consequences he draws from this supposition, fall completely to the ground. Besides, whatever alteration or change might have taken place in the territories of His Catholic Majesty could never have been, as I had the honor to inform you, sir, but the effects of new plans of frontiers, which the retrocession of Louisiana would of course render necessary, or else it might proceed from the circumstance of Spain's being engaged in a war with England, but never with a view to disturb the peace and good understanding between Spain and the United States.

The President continues, saying: "Inroads have 'recently been made into the Territories of Orleans and the Mississippi; our citizens have been 'seized and their property plundered in the very 'parts of the former, which had actually been 'delivered up by Spain, and this by the regular 'officers and soldiers of that Government."

Although I have not on this subject more than that received through the American newspapers, whose accounts cannot be supposed very impartial, nevertheless supposing them correct in all their extent, from those I have read, it is neither proved, nor do I think it possible to believe, that the officers and soldiers of the King, my master, have crossed the American line, to commit within the jurisdiction of the United States, the pretended insults. The first example of these inroads was given by several American citizens, who, in August, 1804, penetrated through the territory of Baton Rouge, and, aided by the brothers Kempers, and other malcontents of the Spanish side, made an attempt to surprise, and render themselves masters of the fort of Baton Rouge, and actually arrested some magistrates and other persons of note. On this subject I had the honor of speaking and writing to you, sir, in due time, but I am hitherto without the least answer. If the seizing of American citizens ("our citizens have been seized") has any reference to the arrest of the Kempers, I must in the first place declare, that, according to my late information, these Kempers are not American citizens, because when they settled themselves in the Spanish territory, they became subjects of the King, and, of course, had lost their rights as American citizens; and, in the second, that the arrest of these persons, according to a letter from Natchez, of the eighth of October last, published in the United States Gazette, of Philadelphia, was effected by negroes and mulattoes, and American citizens, who, no doubt, expecting some recompense, delivered them within the Spanish lines, from whence it appears some Spanish soldiers took charge of them to conduct them to Baton Rouge. It is true that it has also been said that a part of a company of cavalry, commanded by a certain Captain Jones, had entered another part of the line and had conducted themselves in a violent and improper manner toward two families; but, should this account be true, I can assure you, sir, that the Government of the United States shall receive due satisfaction from Spain, the reputation of whose Government is too well established to believe it can in any manner be privy to, or approve of acts as far beneath its character as they are useless in their effects. Incidents of this nature may happen on the frontiers of every country, and they only deserve attention when they receive the sanction of the Government of the aggressors, or when, in such cases, due satisfaction is refused.

I have gone over, step by step, the article of the President's Message, which relates to Spain, and I have endeavored to present, with candor and truth, although in a cursory manner, whatever may give correct ideas on its nature and tendency. Having fulfilled the duty incumbent on my situation, permit me to offer you, sir, the sentiments of high consideration, with which I have the honor to be,

EL MARQUES DE CASA YRUJO.

JAMES MADISON, Esq.

TRIPOLI.

[Communicated to the Senate, December 11, 1805; January 13, and February 4, 1806; and November 11, 1807.]

To the Senate of the United States:

I now lay before the Senate the several treaties which have been entered into on the part of the United States, since their last session.

1. A Treaty of Peace and Amity between the United States of America and the Bashaw Bey and subjects of Tripoli, in Barbary, &c.

TH. JEFFERSON.

DECEMBER 11, 1805.

To the Senate of the United States:

According to the request of the Senate, of December 30, I now lay before them the correspondence of the naval commanders Barron and Rodgers, and of Mr. Eaton, late Consul at Tunis, respecting the progress of the war with Tripoli, antecedent to the treaty with the Bey and Regency of Tripoli, and respecting the negotiations for the same; and the commission and instructions of Mr. Eaton, with such other correspondence, in possession of the offices, as, I suppose, may be useful to the Senate in their deliberations upon the said treaty.

The instructions which were given to Mr. Lear, the Consul General at Algiers, respecting the negotiations for the said treaty, accompanied the treaty and the Message concerning the same, and are now with them in possession of the Senate.

So much of these papers has been extracted and communicated to the House of Representatives, as relates to the principles of the co-operation between the United States and Hamet Caramalli, which is the subject of a joint Message to both Houses of Congress, bearing equal date with the present; and, as those now communicated to the Senate comprehend the whole of that matter, I request that they may be considered as comprising the documents stated in that Message as accompanying it. Being mostly originals or sole copies, a return of them is requested at the convenience of the Senate.

We have no letter from Mr. Lear respecting Tripoline affairs of later date than that of July 5, which was transmitted to the Senate with the treaty, nor, consequently, any later information of what steps have been taken to carry into effect the stipulation for the delivery of the wife and children of the brother of the reigning Bashaw of Tripoli.

TH. JEFFERSON.

JANUARY 13, 1806.

To the Senate and House of Representatives of the United States:

I lay before Congress the application of Hamet Caramalli, elder brother of the reigning Bashaw of Tripoli, soliciting from the United States attention to his services and sufferings in the late war against that State; and, in order to possess them of the ground on which that application stands, the facts shall be stated according to the views and information of the Executive.

During the war with Tripoli, it was suggested that Hamet Caramalli, elder brother of the reigning Bashaw, and driven by him from his throne, meditated the recovery of his inheritance, and that a concert in action with us was desirable to him. We considered that concerted operations by those who have a common enemy were entirely justifiable, and might produce effects favorable to both, without binding either to guaranty the objects of the other. But the distance of the scene, the difficulties of communication, and the uncertainty of our information inducing the less confidence in the measure, it was committed to our agents as one which might be resorted to, if it promised to promote our success.

Mr. Eaton, however, our late Consul, on his return from the Mediterranean, possessing personal knowledge of the scene, and having confidence in the effect of a joint operation, we authorized Commodore Barron, then proceeding with his squadron, to enter into an understanding with Hamet, if he should deem it useful; and, as it was represented that he would need some aid of arms and ammunition, and even of money, he was authorized to furnish them to a moderate extent, according to the prospect of utility to be expected from it. In order to avail him of the advantages of Mr. Eaton's knowledge of circumstances, an occasional employment was provided for the latter as an agent for the navy in that sea. Our expectation was that an intercourse should be kept up between the ex-Bashaw and the Commodore; that, while the former moved on by land, our squadron should proceed with equal pace, so as to arrive at their destination together, and to attack the common enemy by land and sea at the same time. The instructions of June 6, to Commodore Barron, show that a co-operation only was intended, and by no means an union of our object with the fortune of the ex-Bashaw; and the Commodore's letters, of March 22 and May 19, prove that he had the most correct idea of our intentions. His verbal instructions, indeed, to Mr. Eaton, and Captain Hull, if the expressions are accurately committed to writing by those gentlemen, do not limit the extent of his co-operation as rigorously as he probably intended, but it is certain, from the ex-Bashaw's letter of January 3, written when he was proceeding to join Mr. Eaton, and in which he says, "your operations should be carried on by sea, mine by land," that he left the position in which he was with a proper idea of the nature of the co-operation. If Mr. Eaton's subsequent convention should appear to bring forward other objects, his letter of April 29 and May 1 views this convention but as provisional, the second article, as he expressly states, guarding against any ill effect, and his letter of June 30 confirms this construction. In the event it was found, that, after placing the ex-Bashaw in possession of Derne, one of the most important cities and provinces of the country, where he had resided himself as Governor, he was totally unable to command any resources, or to bear any part in co-operation with us. This hope was then at an end, and we certainly had never contemplated, nor were prepared to land an army of our own, or to raise, pay, or subsist an army of Arabs, to march from Derne to Tripoli, and to carry on a land war at such a distance from our resources. Our means and our authority were merely naval; and, that such were the expectations of Hamet, his letter of June 29 is an unequivocal acknowledgment. Whilst, therefore, an impression from the capture of Derne might operate still at Tripoli, and an attack on that place from our squadron was daily expected, Colonel Lear thought it the best moment to listen to overtures of peace, then made by the Bashaw; he did so; and, while urging provisions for the United States, he paid attention also to the interests of Hamet, but was able to affect nothing more than to engage the restitution of his family; and even the persevering in this demand suspended for some time the conclusion of the treaty.

In operations at such a distance, it becomes necessary to leave much to the discretion of the agents employed; but events may still turn up beyond the limits of that discretion. Unable in such a case to consult his Government, a zealous citizen will act as he believes that would direct him, were it apprized of the circumstances, and will take on himself the responsibility. In all these cases, the purity and patriotism of the motives should shield the agent from blame, and even secure a sanction, where the error is not too injurious. Should it be thought by any that the verbal instructions said to have been given by Commodore Barron to Mr. Eaton, amount to a stipulation that the United States should place Hamet Caramalli on the throne of Tripoli, a stipulation so entirely unauthorized, so far beyond our views, and so enormous, could not be sanctioned by our Government; or should Hamet Caramalli, contrary to the evidence of his letters of January 3, and June 29, be thought to have left the position, which he now seems to regret, under a mistaken expectation that we were, at all events, to place him on his throne, on an appeal to the liberality of the nation, something equivalent to the replacing him in his former situation might be worthy its consideration. A nation, by establishing a character of liberality and magnanimity, gains, in the friendship and respect of others, more than the worth of mere money. This appeal is now made by Hamet Caramalli to the United States. The ground he has taken being different, not only from our views, but from those expressed by himself on former occasions, Mr. Eaton was desired to state whether any verbal communication passed from him to Hamet, which had varied what we saw in writing. His answer of December 5, is herewith transmitted, and has rendered it still more necessary that, in presenting to the Legislature the application of Hamet, I should present them at the same time an exact statement of the views and proceedings of the Executive through this whole business, that they may clearly understand the ground on which we are placed. It is accompanied by all the papers which bear any relation to the principles of the co-operation, and which can inform their judgment in deciding on the application of Hamet Caramalli. TH. JEFFERSON.

FEBRUARY 4, 1806.

To the Senate of the United States:

I now transmit the letters desired by the resolution of the Senate of January 20, so far as they exist in the offices, to wit.

Extract of a letter from the Department of State, to Mr. Eaton of May 20, 1801.

The letter from Mr. Cathcart to Mr. Eaton, dated Leghorn, June 15, 1801, is not in the offices, but the substance of it is supposed to be recited in those of Mr. Cathcart to the Secretary of State, of August 15, 1802, and July 2, 1801, extracts of both of which are transmitted.

The letter of Mr. Eaton, of September 5, 1801, supposed to be that intended by the Senate, as it answers their description: there is no letter of his of September 15.

Extract of a letter from William Eaton to the Secretary of State, December 13, 1801.

Extract from Captain Murray's letter of August 18, 1802.

Extract of a letter from Mr. Cathcart to the Secretary of State, of Agaust 25, 1802.

Extract of a letter from Mr. Morris, to the Secretary of the Navy, March 30, 1803.

The letter from the Swedish Admiral to Hamet Bashaw, designated in the resolution of the Senate, is not in possession of the Executive.

The extracts abovementioned give the whole matter contained in the respective letters relating to Hamet Caramalli. The parts omitted are on subjects entirely foreign to what concerns him.

TH. JEFFERSON.

NOVEMBER 11, 1807.

To the Senate of the United States:

Some time had elasped, after the receipt of the late treaty between the United States and Tripoli, before the circumstance drew particular attention, that, although by the third article the wife and children of the ex-Bashaw were to be restored to him, this did not appear either to have been done or demanded. Still it was constantly expected that explanations on the subject would be received. None, however, having arrived when Mr. Davis went as Consul to Tripoli, he was instructed to demand the execution of the article. He did so; but was answered by the exhibition of a declaration, signed by our negotiator the day after the signature of the treaty, allowing four years for the restoration of the family. The declaration, and the letter of Mr. Davis stating what had passed on the occasion, are now communicated to the Senate. On the receipt of this letter, I caused the correspondence of Mr. Lear to be diligently re-examined, in order to ascertain whether there might have been a communication of this paper made, and overlooked or forgotten. None such, however, is found. There appears only, in a journalized account of the transaction by Mr. Lear under date of June 3, a passage intimating that he should be disposed to give time, rather than suffer the business to be broken off, and our countrymen left in slavery: and again, that on the return of the person who passed between himself and the Bashaw, and information that the Bashaw would require time for the delivery of the family, he consented, and went ashore to consummate the treaty. This was done by the next day; and being forwarded to us as ultimately signed, and found to contain no allowance of time, nor any intimation that there was any stipulation but what was in the public treaty, it was supposed that the Bashaw had, in fine, abandoned the proposition; and the instructions before mentioned, were consequently given to Mr. Davis. An extract of so much of Mr. Lear's communication as relates to this circumstance is now transmitted to the Senate; the whole of the papers having been laid before them on a former occasion. How it has happened that the declaration of June 5 has never before came to our knowledge, cannot with certainty be said; but, whether there has been a miscarriage of it, or a failure of the ordinary attention and correctness of that officer in making his communications, I have thought it due to the Senate, as well as to myself, to explain to them the circumstances which have withheld from their knowledge, as they did from my own, a modification, which, had it been placed in the public treaty, would have been relieved from objections which candor and good faith cannot but feel in its present form.

As the restoration of the family has probably been effected, a just regard to the character of the United States will require that I make to the Bashaw a candid statement of facts; and that the sacrifices of his right to the peace and friendship of the two countries, by yielding finally to the demand of Mr. Davis, be met by proper acknowledgments and reparation on our part.

Nov. 11, 1807. TH. JEFFERSON.

Treaty of Peace and Amity between the United States of America and the Bashaw Bey and subjects of Tripoli, in Barbary.

ARTICLE 1. There shall be, from the conclusion of the treaty, a firm, inviolable, and universal peace, and a sincere friendship between the President and citizens of the United States of America, on the one part, and the Bashaw Bey and subjects of the Regency of Tripoli, in Barbary, on the other, made by the free consent of both parties, and on the terms of the most favored nation. And if either party shall hereafter grant to any other nation any particular favor or privilege in navigation or commerce, it shall immediately become common to the other party, freely where it is freely granted to such other nation; but where the grant is conditional, it shall be at the option of the contracting parties to accept, alter, or reject such conditions, in such manner as shall be most conducive to their respective interests.

ART. 2. The Bashaw of Tripoli shall deliver up to the American squadron, now off Tripoli, all the Americans in his possession; and all the subjects of the Bashaw of Tripoli, now in the power of the United States of America, shall be delivered up to him; and as the number of Americans in possession of the Bashaw of Tripoli amounts to three hundred persons, more or less, and the number of Tripoline subjects in the power of Americans is about one hundred, more or less, the Bashaw of Tripoli shall receive from the United States of America the sum of sixty thousand dollars, as a payment for the difference between the prisoners herein mentioned.

ART. 3. All the forces of the United States which have been, or may be in hostility against the Bashaw of Tripoli, in the province of Derne, or elsewhere within the dominions of the said Bashaw, shall be withdrawn therefrom, and no supplies shall be given by, or in behalf of, the said United States, during the continuance of this peace, to any of the subjects of the said Bashaw, who may be in hostility against him, in any part of his dominions; and the Americans will use all means in their power to persuade the brother of the said Bashaw, who has co-operated with them at Derne, &c., to withdraw from the territory of the said Bashaw of Tripoli; but they will not use any force or improper means to effect that object; and in case he should withdraw himself as aforesaid, the Bashaw engages to deliver up to him his wife and children, now in his power.

Art. 4. If any goods belonging to any nation, with which either of the parties are at war, should be loaded on board vessels belonging to the other party, they shall pass free and unmolested, and no attempt shall be made to take or detain them.

Art. 5. If any citizens, subjects, or their effects, belonging to either party, shall be found on board a prize vessel, taken from an enemy by the other party, such citizens or subjects shall be liberated immediately, and their effects so captured shall be restored to their lawful owners, or their agents.

Art. 6. Proper passports shall immediately be given to the vessels of both the contracting parties, on condition that the vessels of war belonging to the Regency of Tripoli, in meeting with merchant vessels belonging to citizens of the United States of America, shall not be permitted to visit them with more than two persons besides the rowers; then two only shall be permitted to go on board said vessel, without first obtaining leave from the commander of said vessel, who shall compare the passport, and immediately permit said vessel to proceed on her voyage; and should any of the said subjects of Tripoli insult or molest the commander, or any other person on board a vessel so visited, or plunder any of the property contained in her, on complaint being made by the Consul of the United States of America, resident at Tripoli, and on his producing sufficient proof to substantiate the fact, the commander or rais of said Tripoline ship or vessel of war, as well as the offenders, shall be punished in the most exemplary manner.

All vessels of war belonging to the United States of America, on meeting with a cruiser belonging to the Regency of Tripoli, and having seen her passport and certificate from the Consul of the United States of America residing in the Regency, shall permit her to proceed on her cruise unmolested, and without detention. No passport shall be granted by either party to any vessel, but such as are absolutely the property of citizens or subjects of said contracting parties, on any pretence whatever.

Art. 7. A citizen or subject of either of the contracting parties, having bought a prize vessel condemned by the other party, or by any other nation, the certificate of condemnation and bill of sale shall be a sufficient passport for such vessel for two years, which, considering the distance between the two countries, is no more than a reasonable time for her to procure other passports.

Art. 8. Vessels of either party putting into the ports of the other, and having need of provisions or other supplies, they shall be furnished at the market price; and if any such vessel should so put in from a disaster at sea, and have occasion to repair, she shall be at liberty to land and reembark her cargo without paying any duties, but in no case shall she be compelled to land her cargo.

Art. 9. Should a vessel of either party be cast on the shore of the other, all proper assistance shall be given to her and her crew. No pillage shall be allowed; the property shall remain at the disposition of the owners, and the crew protected and succored until they can be sent to their country.

Art. 10. If a vessel of either party shall be attacked by an enemy within gunshot of the forts of the other, she shall be defended as much as possible. If she be in port, she shall not be seized or attacked when it is in the power of the other party to protect her; and, when she proceeds to sea, no enemy shall be allowed to pursue her from the same port, within twenty-four hours after her departure.

Art. 11. The commerce between the United States of America and the Regency of Tripoli, the protections to be given to merchants, masters of vessels, and seamen, the reciprocal right of establishing Consuls in each country, and the privileges, immunities, and jurisdictions to be enjoyed by such Consuls, are declared to be on the same footing with those of the most favored nations respectively.

Art. 12. The Consul of the United States of America shall not be answerable for debts contracted by citizens of his own nation, unless he previously gives a written obligation so to do.

Art. 13. On a vessel of war belonging to the United States of America, anchoring before the city of Tripoli, the Consul is to inform the Bashaw of her arrival, and she shall be saluted with twenty-one guns, which she is to return in the same quantity or number.

Art. 14. As the Government of the United States of America has, in itself, no character of enmity against the laws, religion, or tranquillity of Musselmen, and as the said States never have entered into voluntary war or act of hostility against any Mahometan nation, except in the defence of their just rights to freely navigate the high seas, it is declared by the contracting parties, that no pretext, arising from religious opinions, shall ever produce an interruption of the harmony existing between the two nations; and the Consuls and agents of both nations, respectively, shall have liberty to exercise his religion in his own house; all slaves of the same religion shall not be impeded in going to said Consul's house at hours of prayer. The Consuls shall have liberty and personal security given to them to travel within the territories of each other, both by land and sea, and shall not be prevented from going on board any vessel that they may think proper to visit, they shall have, likewise, the liberty to appoint their own dragoman and brokers.

Art. 15. In case of any dispute arising from the violation of any of the articles of this treaty, no appeal shall be made to arms, nor shall war be declared on any pretext whatever; but, if the Consul residing at the place where the dispute shall happen, shall not be able to settle the same, the Government of that country shall state their grievances in writing, and transmit it to the Government of the other; and the period of twelve calendar months shall be allowed for answers to be returned, during which time no act of hostility shall be permitted by either party; and in case the grievances are not redressed, and war should be the event, the Consuls, and citizens or subjects of both parties, reciprocally, shall be permitted to embark with their effects unmolested, on board of whatever vessel or vessels they shall think proper.

Art. 16. If, in the fluctuation of human events, a war should break out between the two nations, the prisoners captured by either party shall not be made slaves, but shall be exchanged rank for rank; and, if there should be a deficiency on either side, it shall be made up by the payment of five hundred Spanish dollars for each captain, three hundred dollars for each mate and supercargo, and one hundred Spanish dollars for each seaman so wanting; and it is agreed that prisoners shall be exchanged in twelve months from the time of their capture, and that this exchange may be effected by any private individual, legally authorized by either of the parties.

Art. 17. If any of the Barbary States or other Powers at war with the United States of America, shall capture any American vessel, and send her into any of the ports of the Regency of Tripoli, they shall not be permitted to sell her, but shall be obliged to depart the port on procuring the requisite supplies of provisions; and no duties shall be exacted on the sale of prizes captured by vessels sailing under the flag of the United States of America when brought into any port in the Regency of Tripoli.

Art. 18. If any of the citizens of the United States, or any persons under their protection shall have any dispute with each other, the Consul shall decide between the parties; and whenever the Consul shall require any aid or assistance from the Government of Tripoli to enforce his decisions, it shall immediately be granted to him. And, if any dispute shall arise between any citizen of the United States, and the citizens or subjects of any other nation, having a Consul or agent in Tripoli, such dispute shall be settled by the Consuls or agents of the respective nations.

Art. 19. If a citizen of the United States should kill or wound a Tripoline, or, on the contrary, if a Tripoline shall kill or wound a citizen of the United States, the law of the country shall take place, and equal justice shall be rendered, the Consul assisting at the trial; and if any delinquent shall make his escape, the Consul shall not be answerable for him in any manner whatever.

Art. 20. Should any citizen of the United States of America die within the limits of the Regency of Tripoli, the Bashaw and his subjects shall not interfere with the property of the deceased, but it shall be under the immediate direction of the Consul, unless otherwise disposed of by will. Should there be no Consul, the effects shall be deposited in the hands of some person worthy of trust, until the party shall appear who has a right to demand them, when they shall render an account of the property. Neither shall the Bashaw nor his subjects give hinderance in the execution of any will that may appear.

Whereas, the undersigned Tobias Lear, Consul General of the United States of America for the Regency of Algiers, being duly appointed commissioner, by letters patent under the signature of the President, and seal of the United States of America, bearing date at the City of Washington, the 18th day of November, 1803, for negotiating and concluding a treaty of peace between the United States of America and the Bashaw Bey and subjects of the Regency of Tripoli, in Barbary.

Now know ye, that I, Tobias Lear, commissioner as aforesaid, do conclude the foregoing treaty, and every article and clause therein contained, reserving the same, nevertheless, for the final ratification of the President of the United States of America, by and with the advice and consent of the Senate of the said United States.

Done at Tripoli, in Barbary, the 4th day of June, in the year 1805, corresponding with the 6th day of the 1st month of Rabbia, 1220.

TOBIAS LEAR. [L. S.]

Having appeared in our presence, Colonel Tobias Lear, Consul General of the United States of America in the Regency of Algiers, and commissioner for negotiating and concluding a treaty of peace and friendship between us and the United States of America, bringing with him the present treaty of peace with the within articles; they were by us minutely examined, and we do hereby accept, confirm, and ratify them, ordering all our subjects to fulfil entirely their contents, without any violation and under no pretext.

In witness whereof we, with the heads of our Regency, subscribe it.

Given at Tripoli, in Barbary, the 6th day of the 1st month of Rabbia, 1220, corresponding with the 4th day of June, 1805.

We hereby acknowledge to have received from the hands of Colonel Tobias Lear, the full sum of sixty thousand dollars, mentioned as ransom for two hundred Americans in the treaty of peace, concluded between us and the United States of America, on the 6th day of the 1st month of Rabbia, 1220; and of all demands against the said United States.

Done this 21st day of the 1st month of Rabbia, 1220.

JOSEPH CARAMANLY,
Bashaw. [L. S.]

Extract of a letter from the Secretary of State to William Eaton, Esquire, dated.

Washington, *May* 20, 1801.

Your letter of the 2d and 18th September, 6th October, 1st, 9th, 10th, 15th, 16th, 13th, 25th, 19th, and 26th November, and 8th December, have been received since the date of Mr. Lincoln's letter by the Grand Turk, which sailed from New York in March last, with the third cargo of Regalia for Tunis. The proofs which have been given by the Bashaw of Tripoli of hostile designs against the United States have, as you will learn from Commodore Dale, determined the President to send into the Mediterranean a squadron of three frigates and a sloop of war, under the command of that officer. Should war have been declared, or hostilities commenced, this force will be immediately employed in the defence and protection of our commerce against the piracies of that Regency. It is hoped that the contagion will not have spread either to Tunis or Algiers; but should one or both of them have followed the perfidious example, their corsairs will be equally repelled and punished.

The policy of exhibiting a naval force on the coast of Barbary has long been urged by yourself and the other Consuls. The present moment is peculiarly favorable for the experiment, not only as it is a provision against an immediate danger, but as we are now at peace and amity with all the rest of the world, and as the force employed would, if at home, be at nearly the same expense, with less advantage to our mariners. The President has, therefore, every reason to expect the utmost exertions of your prudence and address, in giving the measure an impression most advantageous to the character and interests of the United States. In effecting this object, the means must be left, in a great degree, to your knowledge of the local and other circumstances which cannot be understood at this distance. You will, of course, take due pains to satisfy the Bey that the United States are desirous of maintaining peace with all nations who are willing to live in peace; that they have given abundant evidence of their disposition to cultivate the friendship of the Barbary Regencies, and of himself in particular, and that, if the flag of the United States should be engaged in a war with either of them, it will be a war of defence and necessity, not of choice or provocation. You will also give every friendly explanation and assurance, on this occasion, which may be requisite for the Consuls and agents of other Powers residing at Tunis.

You are authorized to inform the Bey of Tunis that a vessel is now preparing to take in the cargo, which will complete the regalia due to him, and that no time will be lost in getting her on her voyage. The jewels, to the amount of forty thousand dollars, have, as you know, been ordered to be prepared in London. On the 28th December last Mr. King wrote: "I have concluded to take immediate measures to provide the jewels, enumerated in the list furnished by Mr. Eaton. Some of the articles can be soon prepared and sent; others, including the arms and almost all the jewelry, will require a long time to be prepared." If they are essential to the preservation of peace, and the benefits of the treaty with the Bey, they must be yielded to him.

It will be agreeable, both to the humanity of the President and the policy of your situation, to render kind offices to the British, and all others within your Consulate; but you cannot be permitted to accept an appointment from any other Government than the United States.

The ship purchased by you, being foreign built, is excluded by a construction of our laws, from having a Mediterranean pass.

The President has taken into consideration your request of leave of absence, and thinks it might be too injurious to the affairs of the United States, especially during the present critical state of the Mediterranean.

I conclude with enjoining on you the most cordial and respectful communications with Commodore Dale, and the ready assistance of him with all such usual information, and other good offices, as it may be in your power to render, and with offering you my sincere wishes for your success in all your measures for advancing the welfare of our country.

Extract of a letter from James L. Cathcart, Esq., to the Secretary of State, dated

LEGHORN, *July* 2, 1801.

Should we break with the whole of the Barbary States at once, we must have considerably greater force in the Mediterranean. I propose chastising them, one at a time, and pursuing such measures at the Ottoman Court as will effectually prevent any coalition taking place injurious to our interest. I not only contemplate the obtaining a permanent and honorable peace, but likewise the dethroning the present Bashaw, and effecting a revolution in favor of his brother Hamet, who is at Tunis, and thereby insure the United States the gratitude of him and his successors: for so long as Joseph the Bashaw lives, our commerce will not be secure. For even allowing that we conclude a peace upon our own terms, the first time our frigates are off their guard, or employed upon other service, his cruisers will capture Americans, in retaliation, for having imposed upon him terms which he may consider humiliating, not reverting to the cause; and that the concessions, which we will certainly force him to make, are merely inflicted as a just punishment for his temerity and breach of faith, and to oblige him to observe his engagements inviolably sacred in future.

I have requested Mr. Eaton to endeavor to ascertain how far said Hamet would be willing to engage in an expedition of that nature, and even should we not succeed in dethroning Joseph, nevertheless his presence on board of Commodore Truxtun would strike his brother and adherents with such a panic as could not fail to promote our interests.

Extract of a letter from William Eaton, Esq., to the Secretary of State, dated

ROAD OF TUNIS, *September* 5, 1801.

The enclosures, which I have the honor herewith to forward, will inform Government, as accurately as I have the means, of our actual position and future prospects in regard to Tripoli, one circumstance only omitted, which is a project in concert between the rightful Bashaw of Tripoli, now in exile in Tunis, and myself, to attack the usurper by land while our operations are going on by sea. These two men are brothers; the younger is on the throne, having expelled the elder about eight or nine years ago. The subjects, in general, of the reigning Bashaw, are very discontented, and ripe for revolt; they want nothing but confidence in the prospect of success; this confidence may be inspired by assurances of our determination to chastise this Bashaw for his outrage against the United States. The Bey of Tunis, though prudence will keep him behind the curtain, I have strong reasons to believe will cheerfully prompt the same. He is in favor of the elder brother. The idea of dethroning our enemy, and placing a rightful sovereign in his seat, makes a deeper impression on account of the lasting peace it will produce with that Regency, and the lesson of caution it will teach the other Barbary States. These are objects which, to me, seem so clearly within our power that they ought to command exertions. Having begun to coerce Tripoli, it would operate an injury of perpetual duration to relax in these measures.

Extract of a letter from William Eaton to the Secretary of State.

TUNIS, *December* 13, 1801.

SIR: On the 28th of October arrived the Danish Commodore Koefoed, and a Consul Holch, five days from Leghorn. The evening of the 2d ultimo they passed at the American house. As the Commodore had lately been at Tripoli on a negotiation, it was very natural to inquire of him what seemed to be the general sentiment of the Tripolines respecting the American war. He said it was very unpopular, and that the subjects of the Bashaw, chiefly on this account, were ripe for a revolt; they waited for nothing but succor. They clamor against the madness and oppression of their chief, say he makes war on his friends to the destruction of their little commerce, takes all the plunder to himself, and, in the issue, reduces them to starvation and the loss of friends, without allowing them the wretched consolation to mourn for those friends when slain. They almost unanimously desire the restoration of their rightful sovereign, who is a mild man, of peaceable dispositions; and if he were offered them, with the appearance of determination, they would rise *en masse* to receive him. The Commodore gave it as his opinion that the most effectual way of reducing Tripoli would be to land troops south of the town, on a commanding untenanted position, and raising a cross fire with the bomb-ketches stationed on the north of it; gunboats or floating batteries to be stationed at the same time within the mole, to keep up a direct fire on the town and rear of the castle. He thinks three thousand men an ample force to effect the object contemplated by land; but two heavy pieces of ordnance for battering, and some light artillery to repel the assault of cavalry, would be requisite. Thus it appears that the opinions of the Danish and American commodores correspond very exactly on the subject of necessary operations for reducing Tripoli.

On the position proper for landing stands a considerable forest of date-trees, the fruit of which forms a great article of subsistence to the Moors of the vicinity; apprehension of the destruction of which would bring these people to almost any terms. Their peaceable behaviour may be made a condition of its preservation; at the same time, it may serve for cover against cavalry, in case of being hard pushed.

On the morning of the 3d November I received a message from Sidi Mahomet Bashaw, the exile from Tripoli, informing me that his brother, the usurper, had addressed the Dey of Algiers, and begged his mediation to bring about a reconciliation with the American Government, and expressed great solicitude to know whether, in my opinion, the Americans would admit such an intervention. I did not hesitate to give it as my opinion, that my Government, having once been deceived by that Dey, would now seek to establish their peace on a surer base. He then desired to be advised whether he might place any reliance on the operations of the Americans in his behalf. I recommended to him patience and silence; at the same time, gave him leave to entertain the hope (may it not be illusive) that the next summer's operations would favor his views.

Extract of a letter from A. Murray, Esq., on board the frigate Constellation, at Malta, to William Eaton, Esq. dated

AUGUST 18, 1802.

I have this day had a communication with the legal Bashaw of Tripoli, and offered to take him to Derne, and to aid him in any measures he chose to pursue; but he thinks it will be more to our advantage, as well as his, to go there in an English brig that he hath chartered, and to try what force he can raise there, in as private a manner as possible; after which, in conjunction with the Swedish force, we can further co-operate with him by private signals agreed upon. I am pleased with his candor, and am persuaded, if he get reinstated in his dominions, he will be friendly to us.

Extract of a letter from James L. Cathcart, Esq., to the Secretary of State, dated

LEGHORN, *August* 25, 1802.

During my residence at Tripoli, I had the honor to transmit to the Department of State the history of the reign of Ali Pacha, father of the reigning sovereign of Tripoli, including the different revolutions in that State, an account of the murder of Mohammed Bey, and the dethroning of the rightful sovereign of Tripoli, Hamet Pacha, who, at that period, was under the protection of the Bey of Tunis, but is now at Malta; and, in a supplement, I forwarded some account of the throne and reign of the present usurper, Joseph Pacha Caramanli.

From the day of my arrival I conceived it my duty to be particular in forwarding details of the most prominent transactions of that Government, for the information of the President, and spared no pains or expense to procure the best intelligence obtainable. Whether eventually I succeeded or not I must leave to your candor to determine, which may be ascertained by comparing my communications with the transactions which have since transpired. As the abovementioned papers, as well as my own observations, convinced me that the inhabitants of Tripoli held the present Pacha in the greatest degree of horror imaginable, and of their great desire that Hamet, who was then at Tunis, should again assume the reins of Government, I was left no reason to doubt that, should he ever be able to appear before Tripoli with any considerable force to espouse his cause, the chief inhabitants of that Regency would declare in his favor. Indeed, so sensible is Joseph that his conduct neither merits nor will ever receive their support when any force is opposed to him, that whenever he goes out of the city, he carries all his treasure and jewels with him, in chests mounted on mules, which are confided to the care of his favorite slaves, who have orders to keep as close to him as possible; nor is he ever accompanied by less than from three to five hundred of his partisans, who are composed of negroes and men of desperate fortune, who would espouse his cause no longer than until his treasure was exhausted, and would then file into the ranks of the best paymaster. For this reason he carries his cash with him, as likewise to enable him to raise a party among the Arabs, should ever his brother's party assume courage sufficient to shut the gates of the city against him, as he did against Hamet, when he treacherously usurped the pachalic.

In my details of the relative situation of Tripoli with other nations, you will observe the many causes the Grand Seignior has to complain of the arrogance of Joseph Pacha, and no doubt will join with me in opinion that the war in which he was engaged was the only reason which prevented him from chastising him as he deserved; and that he only waits for a proper opportunity I believe is evident. No act could be more just than the reinstating Hamet Pacha on the throne of his forefathers; and no act could insure the Grand Seignior a revenge so prompt and efficacious, and attended with so little expense both of blood and treasure nor so effectually insure the gratitude and future obedience of Hamet and his family, as well as set a precedent to the other States of Barbary, whose incorrigible insolence has become insupportable at the Sublime Porte, and render an example not only expedient, but absolutely necessary.

Jouseph Pacha, perfectly acquainted with these circumstancs, spared no pains to entice his brother Hamet to come to Tripoli, under the specious pretext of giving him the government of the provinces of Derne and Bengazi, but without effect. Hamet would not listen to the proposal, and demanded of his brother to give him up his wife and children, whom he holds as hostages, and to settle a small annuity on him, sufficient to maintain his family, promising that he would then live and die at Tunis.

In the above train were affairs at Tripoli when I left it; and under those impressions, I was induced, in my letter to Mr. Eaton of the 15th of June, 1801, to make the following observations: "I conceive it peculiarly fortunate that Tripoli has broken with us first, as we have it in our power, with a small force, to reduce them to our own terms, and, consequently, to influence the other Regencies in our favor, as they would find, by demonstration, that we brook not insults with impunity. Nay, sir, if the Pacha of Tripoli's brother Hamet, who is at Tunis, was a man of understanding and enterprise, I would stake my soul that, with the assistance of four of our frigates, I would effect a revolution in his favor, and place him on the throne of Tripoli, in spite of every obstacle; and thereby insure the United States the gratitude of him and his successors, besides concluding an advantageous peace." But I must sincerely declare, that, actuated as I was by no other motive than an honest zeal for what I supposed, and continue to suppose, to be the best interest of my country, I at that period thought it a moral impossibility that it would take fifteen months to draw out the energies of an injured nation, or that motives of humanity would so far preponderate in our councils, as to induce us to postpone our vengeance until the barbarity of those miscreants to our unfortunate fellow-citizens would give a latitude, and prescribe the rules of a rigorous retaliation.

In a letter of the 29th of June, I forwarded to Mr. Eaton the outlines of my despatch (No 8,) dated at Leghorn, July 2d, 1801, wherein I requested him to ascertain how far said Hamet would be willing to engage in an expedition of that nature; to which I received no answer for many months. For particulars, I refer you to the despatch; and you will please to observe the paragraph which commences, "I propose chastising them one at a time, and pursuing such measures at the Ottoman Court as will effectually prevent any coalition taking place injurious to our interests."

The measures in contemplation were, to embark the said Hamet on board our commodore's ship, to proceed with him to Constantinople, to present him to the Grand Vizier, and let him then make use of his own arguments to procure the caftan, or robe of honor; and while he was negotiating for force, which the Grand Seignior undoubtedly means to send against Tripoli, we would have profitted by the opportunity to have concluded a commercial treaty with the Sublime Porte, and to have made such arrangements, both there and with Hamet Pacha, as could not fail to inspire those nations with sentiments favorable to our dignity and interests. By procuring the Grand Seignior's sanction to this expedition, it would effectually prevent any coalition taking place unfavorable to our interests; and that the Grand Seignior still intends to revenge the insults he has received, you will be informed by Mr. Nissen's communications, dated Tripoli, April 22d, 1802, forwarded in my despatch (No 7) of this year.

No material alteration took place until March last, when the usurper, Jouseph Pacha, having succeeded in persuading the Bey of Tunis to deny his protection to his brother Hamet, he was obliged from mere necessity, to accede to Jouseph's proposal, and actually accepted the offer of the government of Derne, and embarked on board a Russian ship bound to Malta, (but supposed to have been bound to Derne,) where he arrived the 11th of April.

This change of position by Hamet Pacha induced Mr. Eaton to take the measures which he no doubt has detailed to Government in the amplest manner, and which, had not this event taken place so suddenly, he would not have done until he received the President's instructions; and, so far as those measures have been made known to me, I must do Mr. Eaton the justice to say that they seem to have been judicious, dictated by imperious necessity, and an honest zeal for the success of an enterprise which promised such vast advantages to our country.

Extract of a letter from Commodore Morris to the Secretary of the Navy, dated

ON BOARD THE CHESAPEAKE,
Gibraltar Bay, March 30, 1803.

I have been solicited by agents, or pretended agents, to co-operate with the brother to dethrone the Bey. Their demands have been from fifty thousand to one hundred thousand dollars, ten thousand stand of arms, powder, and some light field-pieces. This I absolutely refused, but consented to bring the ships before Tripoli in June, and to furnish twenty barrels of powder, on condition that I could be satisfied they had authority to admit the United States an equivalent for their aid in the event of success. Their answers were, that we would be permitted to make a favorable treaty. I was by no means satisfied with merely the pledge of these agents; their word was not a sufficient guarantee: and, in the event of our rendering them assistance, I shall take care to have the advantages clearly defined, and as binding as the nature of the case will allow.

Extract of a letter from the Secretary of State to Mr. Cathcart, dated

AUGUST 22, 1802.

According to information given by Mr. Eaton, he has prevailed on the brother of the Bashaw of Tripoli to repair to Malta, with a view to be with our squadron before Tripoli, and to be made use of against the Bashaw. At this distance, it is difficult to judge accurately of the project, or to give particular instructions for the management of it. Although it does not accord with the general sentiments or views of the United States to intermeddle with the domestic controversies of other countries, it cannot be unfair, in the prosecution of a just war, or the accomplishment of a reasonable peace, to take advantage of the hostile co-operation of others. As far, therefore, as the views of the brother may contribute to our success, the aid of them may be used for the purpose. Should this aid be found inapplicable, or his own personal object unattainable, it will be due to the honor of the United States, and to the expectations he will have naturally formed, to treat his disappointment with much tenderness; and to restore him, as nearly as may be, to the situation from which he was drawn, or to make some other convenient arrangement that may be more eligible to him. In case of a treaty of peace with the ruling Bashaw of Tripoli, perhaps it may be possible to make some stipulation, formal or informal, in favor of the brother, which may be a desirable alleviation of his misfortune.

Extract of a letter from the Secretary of State to James L. Cathcart, Esquire, who was first appointed to negotiate peace with Tripoli, dated

DEPARTMENT OF STATE, *April* 9, 1803.

My last to you was of August 22, 1802. It was then hoped that you would have been successfully engaged in making peace with Tripoli; for which the crisis was peculiarly favorable. The course of circumstances having deprived us of the advantages of this crisis, to which the tenor of your original instructions was adapted, the President has thought proper to review them with an eye to the change in the state of things under which, if peace be still unmade, the negotiations for it must now be carried on; and, considering that the Bashaw is no longer under the domestic distresses which at one time humbled his pretensions, that all the other nations at war with him have yielded to the customary terms of peace; and that the new terms which the concurrent policy of all civilized nations ought to force on those barbarians, would now be pursued by the United States, at a very great expense, not only without the co-operation of a single other Power, but in opposition to the example of all, and at a period in different respects critical to their affairs, it is thought best that you should not be tied down to a refusal of presents, whether to be included in the peace, or to be made, from time to time, during its continuance; especially, as in the latter case, the title to the presents will be a motive to its continuance. You are accordingly authorized by the President to admit that the Bashaw shall receive, in the first instance, including the consular presents, the sum of twenty thousand dollars, and at the rate afterwards of eight or ten thousand dollars a year. If these sums can be reduced, you will, of course, avail yourself of the opportunity. But no enlargement of them towards the example of other nations will be admissible; especially if, at the date of the negotiation, none of our citizens should be in captivity. The presents, whatever the amount or the purpose of them, (except the consular presents, which, as usual, may consist of jewelry, cloth, &c.) and also the periodical payment, must be made in money, and not in stores. The periodical payments are to be biennial, rather than annual. And the arrangement of the presents is to form no part of the public treaty, if a private promise and understanding can be substituted.

Extract of a letter from the same to Tobias Lear, Esq. who was afterwards charged with the same negotiation, dated

DEPARTMENT OF STATE, *June* 6, 1804.

Commodore Barron has orders to provide, at a suitable time, for your joining him in order to the negotiating of a peace with Tripoli. This we hope may now be effected under the operations and auspices of the force in the hands of that officer, without any price or pecuniary compensation whatever. Should adverse events or circumstances of which you can best judge, and which are not foreseen here, render the campaign abortive, and a pecuniary sacrifice preferable to a protraction of the war, you are authorized to agree, in the last instance, and in that only, to the terms of peace specified in my letter to Mr. Cathcart of the 9th April, 1803, with such modifications as may be convenient. Of the twenty thousand dollars permitted to be given as the first purchase and consular present, five thousand are to be retained until a Consul for Tripoli, to be commissioned by the President, shall arrive. Should you be able to reduce the terms, as may be expected, you will retain a proportionate sum for this object. On peace being made, you have authority to place at Tripoli a temporary agent to attend to our affairs. For the ransom of the prisoners, if a ransom be unavoidable, you may stipulate a sum not exceeding five hundred dollars for each prisoner, including officers, but deducting from the number in the hands of the Bashaw those promised to Captain Dale, to be released in return for the release of some of the Bashaw's subjects who had been captured by him, and also as many as may be considered an equivalent for the captures of Captain Preble.

A desirable shape to give the ransom money would be an annuity payable in four or five instalments. This rate of ransom must not be yielded however, without such a change in our affairs by accident to the squadron, or by other Powers joining against us in the war, as is very unlikely to happen: and you will bear in mind, that the sum of five hundred dollars per man, connected with terms which were otherwise favorable, was the voluntary offer of the Bashaw to Captain Preble in the month of January, prior to the reverse which he has since experienced, and to his knowledge of the force now sent against him.

Of the co-operation of the elder brother of the Bashaw of Tripoli, we are still willing to avail ourselves, if the Commodore should judge that it may be useful; and to engage which, as well as to render it the more effectual, he has discretionary authority to grant him pecuniary or other subsidies, not exceeding twenty thousand dollars; but the less reliance is placed upon his aid, as the force under the orders of the Commodore is deemed sufficient for any exercise of coercion which the obstinacy of the Bashaw may demand. The power of negotiation is confined to you in the first instance, but, in case of accident, it is to devolve on the acting commodore of the squadron.

Extract of a letter from the same to the same, dated

Department of State, *April* 20, 1805.

Upon reviewing the instructions transmitted to you dated 6th June last, nothing in the state and prospect of things which dictated them appears to be changed by subsequent events; unless, indeed, the possibility of any considerable sacrifices being necessary, should be considered as diminished by the spirited attacks made on the enemy by Commodore Preble, and the comparison which will naturally be made of their effect, with what may be expected from a repetition of them when the season opens, with equal animation on a much larger scale. Besides the force we have in the Mediterranean, the President has directed the following reinforcements, which will appear at the rendezvous, at or not long after your receipt of this communication, viz:

The frigate John Adams, with 32 guns, (all on board, but not mounted,) 600 men, will sail early in May.

Gunboats Nos, 2, 3, 4, 5, 6, 7, 8, 9, 10.

No. 2 will have one long 32 pound cannon; No. 3, two long 24 do.; No, 4, two 32 do.; No. 5, two 32 do.; No. 6, two 32 do.; No 7, two 32 do.; No. 8, two 32 do.; No. 9, two 32 do.; No. 10, two 32 do.

Each gunboat will have about 20 men on board, and will sail by the 1st of May.

Two bomb vessels, to be fitted out at Boston, with 13 inch mortars, and will probably sail about the first of June.

The Ceres, a provision ship, has lately sailed from Baltimore, with provisions and military stores for the squadron. The Ann, another provision ship, is now on the eve of sailing from Baltimore. She has also provisions and military stores on board for the squadron. A vessel from Washington will sail in all May, with spars, beef, bread, powder, &c. for the squadron.

Copy of a letter from the Secretary of the Navy to William Eaton, Esquire.

May 30, 1804.

Sir: Herewith you will receive an appointment as Navy Agent for the several Barbary Regencies.

You will receive instructions from, and obey the orders of, Commodore Barron; and will render to our squadron in the Mediterranean every assistance in your power.

As a compensation for your services, you will be allowed at the rate of twelve hundred dollars per annum, and the rations of a lieutenant in the Navy of the United States.

I am, respectfully, &c. R. SMITH.

To all who shall see these presents—greeting: Know ye, that, reposing special trust and confidence in the zeal, fidelity, and abilities of William Eaton, I do hereby appoint him agent of the Navy Department of the United States of America, for the several Barbary Regencies.

In testimony whereof, I have hereunto subscribed my name, and affixed the seal of the Navy Department of the United States of America, at the City of Washington, this 26th day of May, 1804.

R. SMITH, *Sec'y of the Navy.*

Registered—Ch. W. Goldsborough.

Extract of a letter from the Secretary of the Navy to Commodore Samuel Barron.

June 6, 1804.

With respect to the ex-Bashaw of Tripoli, we have no objection to your availing yourself of his co-operation with you against Tripoli, if you shall, upon a full view of the subject, after your arrival upon the station, consider his co-operation expedient. The subject is committed entirely to your discretion. In such an event you will, it is believed, find Mr. Eaton extremely useful to you.

Col. Tobias Lear, our Consul General at Algiers, is invested by the President with full power and authority to negotiate a Treaty of Peace with the Bashaw of Tripoli, and also to adjust such terms of conciliation as may be found necessary with any of the other Barbary Powers. He is, therefore, to be conveyed by you to any of these Regencies, as he may request of you, and you will cordially co-operate with him in all such measures as may be deemed the best calculated to effectuate a termination of the war with Tripoli, and to insure a continuance of the friendship and respect of the other Barbary Powers.

Commodore Barron to Captain Hull.

September 13, 1804.

Sir: The state and condition of the Argus, under your command, requiring that she should go into port for the purpose of refitting, &c., I request you to proceed with all practicable expedition to Malta or Syracuse, and there refit your vessel, which, being completed, you will take on board two months' provisions and water, and proceed for the port of Alexandria, and if at that port, or Smyrna, you find any American vessels, you will give them convoy as far as Malta, and immediately after join the squadron off this place.

You will take under your care the ship St. Michael, intercepted by the squadron, in the attempt to enter the blockaded port of Tripoli. You will find Commodore Preble at Malta or Syracuse, with two other ships, captured in making the same attempt. You will receive his orders with respect to the disposition of the St. Michael, cause all her papers to be delivered to him, and furnish him with all the information you may be able to gain from her crew, &c., on your passage. You will inform the commanders of vessels you may find at Syracuse that I shall be off Tripoli."

Verbal orders of Commodore Barron to Captain Hull, of the United States brig Argus, in presence of the undersigned, on board the President.

September 15, 1804.

Sir: The *written orders* I here hand you, to proceed to the port of Alexandria or Smyrna, for convoying to Malta any vessel you may find there, are intended to disguise the real object of your expedition, which is to proceed with Mr. Eaton to Alexandria, in search of Hamet Bashaw, the rival brother, and legitimate sovereign of the reigning Bashaw of Tripoli; and to convey him and his suit to Derne, or such other place on the coast as may be determined the most proper for co-operating with the naval force under my command, against the common enemy; or, if more agreeable to him, to bring him to me before Tripoli.

Should Hamet Bashaw not be found at Alexandria, you have the discretion to proceed to any other place for him, where the safety of your ship can be, in your opinion, relied upon.

The Bashaw may be assured of the support of my squadron at Bengazi or Derne, where you are at liberty to put in, if required, and if it can be done without too great risk. And you may assure him, also, that I will take the most effectual measures with the forces under my command, for co-operating with him against the usurper, his brother, and for re-establishing him in the Regency of Tripoli. Arrangements to this effect are confided to the discretion with which Mr. Eaton is vested by the Government.

Attest: ISAAC HULL.
WILLIAM EATON.

Extract:—Mr. Eaton to Captain Hull.

Grand Cairo, *Jan.* 8, 1805.

Scarcely had my letter of this morning gone off by your courier express, when a letter from Hamet Bashaw came to hand, of which the following is a copy, by translation:

"Thanks be to him to whom gratitude is due. To our friend, and the very good friend of our highness, the American agent, Mr. Eaton.

"We have received your letter, and, after having understood the contents, we gave thanks to God for having preserved your health. Know that I am ever the same as you knew me at Tunis; my friendship is constant and uniform; but you have been tardy. We must, however, make this delay subserve a good purpose.

"From the date of the present, I shall leave this for Behera, and shall there take quarters at the house of the Arab chief Abdelgiver el be Kourchi, where I propose to you to meet me. I have written to my subjects, and to my Minister Mahmoud Kogea, and also the governor of police, Muhammed, son of Abdulrahmen, that they may treat with you; and whatever you conclude with them will be ratified by me. Your operations should be carried on by sea, and mine by land. And may God assist us to re-establish peace and harmony. The 28th Namadan, 1219.

"HAMET BASHAW,
"*Son of Ali Bashaw Caramalli.*"

The date of the Bashaw's letter corresponds with the third instant. The place of meeting about eight hours' march from Alexandria, so that he will probably arrive thither before we can with you.

Captain Bainbridge to George Davis, Esq., at Tunis.

Tripoli, *January* 27, 1805.

Sir: I have been anxiously expecting to hear from you, and to receive some information on the determination of our Government. Not one word on that subject have I yet heard. I am anxiously expecting letters from Commodore Barron. I believe the Bashaw is very desirous of peace, and has great apprehensions of the intended attack; and was a negotiation to be attempted, I think it very probable that it would succeed, for the apprehension of the attack might have as great an effect as the attack itself; and should the attack prove unsuccessful, he will no doubt continue in demanding a considerable sum. As I am quite ignorant of the force that will be brought against this place, I cannot give any opinion of the probable effect it may have. We offer our most fervent prayers that the greatest success may attend it. I cannot say what the Bashaw's demand will be, but I believe he would take at this moment much less than what he demanded of Commodore Preble last August. Our funds are all exhausted, and bills on Tunis are at a great exchange against the drawer. Pray, have you heard of Eaton? In your next, which I anxiously expect soon, I shall receive a great deal of news, I hope. I assure you, was it not for our friend, Mr. Nissen, we should suffer considerably for necessaries in our close confinement; but he is a friend in need, of course, a friend indeed.

P. S. By the Danish Consul. The Bashaw is now very attentive upon your transactions with his brother in Alexandria. A camp is going against Derne. Give me leave to tell you that I have found your plan with the Bashaw's brother very vast, and that you sacrifice your prisoners' lives here in case of success.

Extract:—William Eaton, Esq., to the Secretary of the Navy.

Alexandria, *February* 13, 1805.

The letters which have passed between Captain Hull and myself, copies of which are herewith annexed to a duplicate of that I had the honor to address you on the 13th of December, convey a detail of our transactions since that date. The apprehensions then entertained of impediments on the part of the Mameluke Beys were just. The Bashaw separated himself from them with his suite, immediately on receiving my first letter from Cairo, and repaired to Fiaum, neutral province; but the evening of his departure thirty Arab chiefs were put in chains by the Mameluke Bey Osman Bey Berdici, to prevent their following him with their tribes. Of four copies of the Viceroy's letter of amnesty, which I despatched by different conveyances, not one reached him. Three mattees, in disguise of Arabs, charged with one of them, entered the Mameluke camp, were arrested, the packet taken from them, and they sentenced to death. They intoxicated the sentinel, who was a European renegado, and escaped to Fiaum, by whom the Bashaw obtained the first information of that act of grace, and it was not until he joined me at Demanhour that he first saw the letter. This has delayed our measures and given us embarrassments. My three enterprising mattees are with me, but we have no returns from any of the other three couriers.

The Bashaw had already determined to take the desert of Libya to Derne, giving for his reason, which I think a sound one, that, by taking shipping and separating himself from the Arabs, they would lose all patience, if not confidence also, and abandon his cause. He has consequently moved round the lake, and will to-morrow take his station at Arabs Ton, thirty miles westward of the old port of Alexandria, where I am to join him with a detachment from the city, next Sunday, and proceed with him to Bomba, at the head of five hundred men, and there take post. Meantime Captain Hull repairs to the rendezvous for suitable reinforcements and supplies to secure an establishment at Derne and Bengazi. Those provinces in our possession will cut off from the enemy and turn into our own channel a source of provisions, and will open a free intercourse with the interior of the country. I have requested of the Commodore, for this purpose, a hundred stand of arms with cartridges, and two brass field-pieces with the trains and ammunition, and also a detachment of one hundred marines, if necessary, to lead a *coup de main.*

I calculate the whole expenditure of cash in this expedition, including expenses in Egypt, will amount to twenty thousand dollars. Further disbursements and supplies will be necessary to carry this plan into final effect. But to indemnify the United States, I have entered into a convention with Hamet Bashaw to pledge the tribute of Sweden, Denmark, and the Batavian Republic; which convention I shall reduce to writing and forward by Captain Hull, if time permit; otherwise by the earliest occasion.

Day before yesterday, an envoy arrived in a ketch from Jussuf, Bashaw of Tripoli, to the Governor and Admiral of this place, for the express purpose of prevailing on them to stop Hamet Bashaw from going out of the country. Intelligence of our having left Syracuse for this place, with a view of taking him away, was conveyed to the enemy by a resident at Malta, known by the name of Soluquet H. Conte Gallini. I do not know his real name. The agent made great promises, in the name of his master, to those Turkish commanders; but, perceiving they seemed not to have full faith in his assurances he resorted to the sensibility of their compassion; said, "if Hamet Bashaw was permitted to return, Jussuf must fly the kingdom or lose his head. The subjects of Tripoli were getting weary of the war with these new infidels; they could not learn from their movements their intentions, and were attacked unaware; the Bashaw believed he could resist them upon his batteries; but if they made a descent with his brother, his people would all leave him." This statement comes from the private secretary of the Governor, who is secured in our interest, who heard the cause of Jussuf Bashaw argued before the Governor and Admiral. I do not learn what effect it has taken, but if the client has not the means of touching a more sensible nerve than a Turk's pity, his case is forlorn. At any rate we are secure against his influence by the secure position we have taken. Except, therefore, some unforeseen accident thwart us, my next will be at Bengazi. The Arabs and Moors are universally with us, and, if we had the means of subsistence, we might march twenty or thirty thousand from the borders of Egypt, who, from time to time, have taken refuge here since the usurpation of Jussuf Bashaw.

Extract:—Mr. Eaton to Commodore Barron.

ALEXANDRIA, *February* 14, 1805.

I calculated to leave this on Sunday, and in two days after to proceed on our march with Hamet Bashaw to Bomba, by the desert, where it is hoped we shall meet reinforcements, and supplies sufficient to secure positions at Derne and Bengazi. This, we are of opinion, will require two additional small vessels and a bomb ketch. A gunboat also would be useful, if the navigation at this season should not be thought too hazardous. Two brass field pieces, four pounders, with their trains and ammunition, and one hundred stand of arms, with carriages, will be requisite. And, to place the success of the expedition beyond the caprice of incident, one hundred marines, with bayonets, should be at hand to lead a *coup de main*, in case of necessity. By the time we shall have arrived at Bomba, I shall have disbursed about ten thousand dollars, which we have taken up on credit of Messrs. Briggs and Brothers, four thousand dollars of which sum Captain Hull has drawn bills on Malta and London; the balance we have promised shall be sent up in one of the small vessels. Ten thousand dollars more, at least, will be necessary to accomplish our views on Derne and Bengazi. The Bashaw assures me he will be able immediately to refund these sums when established in those provinces. And to indemnify the United States for all expenses, arising out of a co-operation with him, he pledges the tribute of Denmark, Sweden, and the Batavian Republic, in case of recovering his throne, which may be calculated upon as a certain event, if measures to that effect are supported by suitable energy and address. He engages also to release to you, without ransom, Captain Bainbridge, his officers, and all American prisoners who may be in captivity at Tripoli; to stipulate with the United States a permanent peace, without tribute, and on the footing of the most favored nation. He engages that, in case of future war, captives shall be treated as prisoners, and not slaves, and subject to reciprocal exchange. He will surrender the enemy and his family and chief Admiral into our hands, in case he does not escape by flight, to be held as hostages. And he agrees to deliver up to you, if required, all vessels of war, which shall have been employed against the United States by Jussuf Bashaw.

In consideration of the friendly offices of His Majesty the King of the Two Sicilies towards the squadron of the United States, Hamet Bashaw invites His Majesty to renew with him their ancient friendship, and proffers to him a peace on the same footing as that to be stipulated in his convention with the United States. If time and circumstances admit, we shall reduce this convention to writing, and forward copies by Captain Hull; otherwise it will be done at Bomba. At the invitation of the Bashaw and Divan, and in conformity to the sentiments expressed to me by the Secretary of the Navy, I have taken on myself the command in chief of the Bashaw's army, and the direction of all operations by land, and I cannot but flatter myself we may realize success of our expectations on this coalition, and that you will have the glory of carrying the usurper a prisoner in your squadron to the United States, and of relieving our fellow-citizens from the chains of slavery without the degrading condition of a ransom.

Captain William Bainbridge to Commodore Samuel Barron.

BARBARY, TRIPOLI, *March* 16, 1805.

DEAR SIR: I am acquainted that Sidi Muhammed Dghies, Minister of Foreign Affairs to his excellency the Bashaw of Tripoli, has written to you on a certain subject. The Minister has been much indisposed for several months past with an inflammation in his eyes, and Dr. Ridgely, our surgeon, has done everything for him in his power, without its having the desired effect. For the many obligations myself and officers are under to the Ministers, I wish it may be agreeable to you to render him some aid through one of the surgeons of your squadron. Permit to observe that, whatever Sidi Muhammed Dghies, or my worthy friend Nicholas C. Nissen, Esq., His Danish Majesty's Consul in this place, writes to you on the subject, will, in my opinion, merit your attention; for, from my knowledge of the friendly disposition of the Minister, I have reason to believe that his assertions are founded on candor. It is unnecessary for me to say more, as you no doubt will fully comprehend me.

I have the honor to be, &c.

SIR: This day Sidi Muhammed Dghies sent for me, and informed me in confidence that he had written to you recommending a person to come here to negotiate, and he requested me to write a letter nearly in the obscure manner that I have done, that, in case of discovery, it would not be intelligible, or would be foreign to the subject. I really believe that the Minister is sincerely desirous for peace; for, exclusive of his pacific disposition, it is greatly his interest to have it; and was a person to come here and remain a few days, I have no doubt but that peace would be effected on the terms that Commodore Preble offered. At all events, it would have the happy effect of making the Bashaw's subjects clamorous, as they would then see that America had the disposition to make peace, and that the Bashaw was the cause of their not having it. The houses here are of stone and mud, and badly furnished; of course the damage in bombarding will not be as great as if it was otherwise. Permit me, my dear Barron, to make one observation, that is, to reduce the Bashaw to moderate terms I suppose is the object of our Government; and your expectation to release us from captivity without paying is, in my opinion, impossible without land forces, and I hope that our country will not think that it is the subject of peace they pay for, but for the liberty of their unfortunate citizens, fell captives in its service; and it may be assured that whatever is paid, no Tripolitan, from what they have experienced from the Americans, will consider one farthing of it as purchasing the friendship of Tripoli. In my letters of yesterday, I gave you some information about Mr. Beaussier. I candidly believe that any person might come here with the greatest safety, and you may be assured that an American will answer much better than any Frenchman or any other countryman. The Minister has great influence with the Bashaw, and is doing all that he can to bring him to peace on moderate terms. I know that you will do me the justice to believe that all my representations are for the good of our cause. Yours, truly.

The Danish Consul to Commodore Barron.

TRIPOLI, *March* 18, 1805.

SIR: The Bashaw's Minister Sidi Mahomet Dghies, personally desirous of a re-establishment of peace with the United States of America, and wishing to contribute whatever may be in his power to the conclusion of it, has requested me, sir, in his name to address you this letter.

Sidi Mahomet Dghies is convinced that you are informed of his endeavors in 1801 to prevent the declaration of war; he alone opposed the general opinion of the divan in this respect. The letters of Mr. Cathcart, late Consul for the United States, at Tripoli to his Government, at that time, will bear testimony of this fact.

The war having nevertheless been declared, nothing has since been omitted by Sidi Mahomet Dghies that could contribute to the conclusion of peace.

Sidi M. Dghies has personally too much interest in the undisturbed tranquillity and security of the trade of Tripoli, not to avail himself of every means that could be conducive to what has been his interest and constant desire. In this moment, he wishes to prevent further hostilities; the state of his health, his family, and his private concerns, are so many reasons for him to endeavor to persuade both parties to come to an agreement; he is certain that these are likewise your wishes, sir, and the intention of your Government. The situation, besides, of your unfortunate countrymen here, which Sidi M. Dghies has endeavored to alleviate as much as it has been in his power, is nevertheless such that they and their relations in America cannot but look upon it as an act of humanity to accelerate the conclusion of a peace that again can restore them to their country. Sidi M. Dghies is desirous of a peace, and he wishes that a negotiation should be renewed before the commencement of any direct hostilities against this place. His health, and particularly the state of his eyes, will oblige him to retire with his family in a short time to the country, and will not permit him again to return to town at any future overture, or negotiation of peace, and he is afraid that, being absent, he shall not be able so easily to suscitate in the mind of the Bashaw equal peaceful sentiments with his own. A negotiation entirely by letters is tedious and difficult; to negotiate by a person sent on shore from a ship of war, (and who returns again on board after a short stay, and may be after a momentary interview with the Bashaw,) has many difficulties; and proves often more detrimental to a negotiation than productive of peace. Sidi M. Dghies don't think it necessary to enlarge upon the difficulties that attend this way of negotiating and their cause; you cannot, sir, but be aware of them yourself; he proposes, therefore, as the most effectual manner of conducting a negotiation of peace, to send to Tripoli a person properly authorized and furnished with instructions. Whoever shall be sent can be assured of the most perfect inviolability. Should his and Sidi M. Dghies' earnest endeavors to re-establish peace prove successful, the business is thereby naturally brought to a happy conclusion; should it, however, unfortunately prove otherwise, the negotiator will have liberty to return free from molestation of any kind, and in what manner he may judge convenient.

You will please, sir, yourself to fix upon the securities you may require for the faithful observance of these conditions, in case you shall think proper to agree to these proposals, and whenever you in answer to this letter may request the admission of a negotiator.

After having in this manner candidly and confidentially stated to you, sir, his mind, Sidi M. Dghies hopes to have precluded every suspicion of his peaceful intentions, and convinced you that every facility will be shown for a mutual satisfactory conclusion of peace; he don't believe it necessary to observe, that a sincere and lasting peace is at any time preferable even to a successful war; that war has many chances, and that often unforeseen accidents occasion losses, however prudent the measures were taken to assure success.

That Sidi Mahomet Dghies has requested me to write you, sir, in his name, this letter, and that the contents have been faithfully translated, I have no doubt but that you will readily give credit, but give me likewise leave to assure you, sir, that I, in case I did not myself believe the sentiments contained in this letter sincere, would have excused myself from putting them to paper, and in this persuasion I shall consider it as a very favorable circumstance for me, if I have been found any way instrumental to the means of bringing about a peace between the United States of America and the Bashaw of Tripoli, and of procuring the liberty of your unfortunate countrymen here; having the honor to be, with the greatest respect, sir, your obedient and humble servant, N. C. NISSEN,

His Danish Majesty's Consul at Tripoli.

Captain Bainbridge to Commodore Barron.

BARBARY, TRIPOLI, *March* 22, 1805.

DEAR SIR: I wrote you on the 16th instant respecting a certain subject; since then I have seen the letter alluded to in mine of that date, and I believe the sentiments contained in it merit the credit of veracity, and if experimented, I trust will be found satisfactory to you. If Commodore Preble did receive a letter last summer from a certain person here, he no doubt gave it to you, from which you can form some opinion of the present subject. I have not had the pleasure to hear from you since October last; am in daily expectation of it. The crew here are in great want of clothing. Believe me to be, sir, with sincere esteem, &c.

Captain Bainbridge to Commodore Barron.

March 22.

Dear Barron: In one of my letters of this month I have mentioned that I had heard that Sidi Muhammed Dghies, Minister of Foreign Affairs to the Bashaw, had requested Mr. Beaussier, the French Consul in this place, to inform Commodore Preble, that if a person would come here and remain a few days on shore, that peace would be effected for one hundred and fifty thousand dollars. This day the said Minister in confidence told me that he did thus request Mr. Beaussier, but does not know if Commodore Preble received the information. I have not the least doubt, that was a person to come here to negotiate before an attack is made, that peace would be effected for one hundred and twenty thousand dollars, and if the attack should not prove very successful, it is very probable that such a sum would not release us from captivity, at least for some time. Apprehension is often worse than realization. I sincerely hope that a person will come, because I think it the most favorable moment, and I candidly believe that any person might come with the greatest safety. It will be best, in my opinion, to ask for the guaranty of the Danish or French Consul, and in that case I think it probable that they would give the Danish, which I should much prefer, as I know him to be a man of unquestionable integrity; the other I have not the highest opinion of. The Danish Consul has already gone very great lengths to serve us, and you may be assured that he can be trusted as a man of the strictest honor. His compliance with the Minister's request to write to you is purely actuated by the desire to serve us. Your sincere friend, &c.

Convention between the United States of America and His Highness Hamet Caramanly, Bashaw of Tripoli.

GOD IS INFINITE.

Article 1. There shall be a firm and perpetual peace and free intercourse between the Government of the United States of America and His Highness Hamet Caramanly Bashaw, the legitimate sovereign of the Kingdom of Tripoli, and between the citizens of the one and the subjects of the other.

Art. 2. The Government of the United States shall use their utmost exertions, so far as comports with their own honor and interest, their subsisting treaties, and the acknowledged laws of nations, to re-establish the said Hamet Bashaw in the possession of his sovereignty of Tripoli, against the pretensions of Joseph Bashaw, who obtained said sovereignty by treason, and who now holds it by usurpation, and who is engaged in actual war against the United States.

Art. 3. The United States shall, as circumstances may require, in addition to the operations they are carrying on by sea, furnish the said Hamet Bashaw, on loan, supplies of cash, ammunition, and provisions, and if necessity require, debarkations of troops; also to aid and give effect to the operations of the said Hamet Bashaw, by land, against the common enemy.

Art. 4. In consideration of which friendly offices, once rendered effectual, His Highness Hamet Caramanly Bashaw engages, on his part, to release to the Commander-in-Chief of the forces of the United States, in the Mediterranean, without ransom, all American prisoners who are, or may hereafter be, in the hands of the usurper, said Joseph Bashaw.

Art. 5. In order to indemnify the United States against all expense they have or shall incur, in carrying into execution their engagements, expressed in the second and third articles of this convention, the said Hamet Bashaw transfers and consigns to the United States the tribute stipulated by the last treaties of His Majesty the King of Denmark, His Majesty the King of Sweden, and the Batavian republic, as the condition of peace with the Regency of Tripoli, until such time as said expense shall be reimbursed.

Art. 6. In order to carry into full effect the stipulation expressed in the preceding article, said Hamet Bashaw pledges his faith and honor faithfully to observe and fulfil the treaties now subsisting between the Regency of Tripoli and their Majesties the Kings of Denmark and Sweden, and with the Batavian republic.

Art. 7. In consideration of the friendly disposition of His Majesty the King of the Two Sicilies towards the American squadron, His Highness Hamet Bashaw invites his said Sicilian Majesty to renew their ancient friendship, and proffers him a peace on the footing of that to be definitively concluded with the United States of America, in the fullest extent of its privileges, according to the tenor of this convention.

Art. 8. The better to give effect to the operations to be carried on by land in the prosecution of the plan, and the attainment of the object pointed out by this convention, William Eaton, a citizen of the United States, now in Egypt, shall be recognised as General and Commander-in-Chief of the land forces which are or may be called into service against the common enemy; and his said Highness Hamet Bashaw engages that his own subjects shall respect and obey him as such.

Art. 9. His Highness, said Hamet Bashaw, grants full amnesty and perpetual oblivion towards the conduct of all such of his subjects as may have been seduced by the usurper to abandon his cause, and who are disposed to return to their proper allegiance.

Art. 10. In case of future war between the contracting parties, captives on each side shall be treated as prisoners of war, and not as slaves, and shall be entitled to reciprocal and equal exchange, man for man, and grade for grade; and in no case shall a ranson be demanded for prisoners of war, nor a tribute required, as the condition of peace, neither on the one part nor on the other. All prisoners on both sides shall be given up at the conclusion of peace.

ART. 11. The American Consul flag in Tripoli shall forever be a sacred asylum to all persons who shall desire to take refuge under it, except for the crimes of treason and murder.

ART. 12. In case of the faithful observance and fulfilment on the part of His Highness, said Hamet Bashaw, of the agreements and obligations herein stipulated, the said Commander-in-Chief of the American forces in the Mediterranean engages to leave said Hamet Bashaw in the peaceable possession of the city and Regency of Tripoli, without dismantling its batteries.

ART. 13. Any article suitable to be introduced in a definitive treaty of peace between the contracting parties, which may not be comprised in this convention, shall be reciprocally on the footing of the treaties subsisting with the most favored nations.

ART. 14. This convention shall be submitted to the President of the United States for his ratification. In the meantime there shall be no suspense in its operation.

Done at Alexandria, in Egypt, February 23, 1805, and signed by said Hamet Bashaw, for himself and successors, and by William Eaton, on the part of the United States.

Additional article, secret.

His Highness Hamet Bashaw will use his utmost exertions to cause to surrender to the Commander-in-Chief of the American forces in the Mediterranean the usurper Joseph Bashaw, together with his family, and Chief Admiral called Maurad Rais, alias Peter Lisle, to be held by the Government of the United States as hostages, and as a guaranty of the faithful observance of the stipulations entered into by the convention of the 23d February, 1805, with the United States, provided they do not escape by flight.

Hamet, Ex-Bashaw of Tripoli, to Commodore Samuel Barron.

DEAR AND ESTEEMED: I have to inform your Excellency of my perfect health, and to express my sincere wishes for yours. I beg you to be assured of the high regard and consideration which I entertain for your Excellency, and I hope that by the assistance of the Divine Being I shall shortly be at Tripoli, my city, to drive from thence my perfidious enemies.

I make known to you the arrival of Mr. William Eaton, my general di campo, and that we have agreed upon a plan of co-operations, which I have no doubt will lead to that success which we both desire. Said Mr. Eaton begged me to come to Syracuse, in order to confer with your Excellency, and to form a personal acquaintance with you. I must inform you, my worthy and esteemed friend, that time does not allow me to cross the sea, and that I am too much occupied with my camp, consisting of infantry and cavalry, and would not leave them for the acquisition of the world. With the present, I send you my Secretary of State, named Mahumed, as my proper representative, to treat in my stead, whom I beg you will receive, and I trust your ideas will be similar with regard to the object we have in view.

My dear friend, you must know that I am already on my march, with my camp, and I earnestly solicit you to send me as speedily as possible the following succors, of which I stand greatly in need, viz: powder, field artillery, muskets, money, and a few soldiers. These once arrived, we are agreed with Mr. Eaton on the plan explained in his letter; and further, as provisions of all kinds are very scarce in Barbary, I beg you will send some likewise. I hope that, in the course of about fifty days, we shall form a system of co-operation at Misurat. My dear friend, consider me in all things as your son, and that my kingdom shall be always as your own.

I salute you with cordial regard, and remain, &c.

[Seal of Hamet Bashaw.]

The Commander-in-Chief of the squadron of the United States of America in the Mediterranean to the illustrious Hamet Bashaw, &c.

MALTA, *March* 22, 1805.

EXCELLENCY: By the hands of your Secretary Mahumed who arrived in safety at this place on board the brig Argus, I received your Excellency's letter, which has been interpreted to me. I thank you, with sincerity, for your expressions of kindness and regard towards me, and am happy that your Excellency remains in good health. With great satisfaction I have received from Mr. Eaton the intelligence of your junction with him, and of the measures you had adopted to commence your march towards Bomba. No sooner did I receive this intelligence, than I made every exertion to collect the succors required in your letter; and I now send you my faithful and worthy Captain Hull, with the Argus brig and a sloop under her convoy, loaded with provisions and stores. I have not been able to procure the field artillery you ask, at this place, but I despatched a frigate to Sicily, where I hope to obtain it. As soon as it arrives, no time will be lost in sending it on the coast. I hope Captain Hull will find your Excellency and your army in safety and health, and that your measures so far may have been propitious to our cause.

I have written very fully to Mr. Eaton, to whom, and to Captain Hull, I refer your Excellency for further information, and with my most ardent wishes for your individual prosperity, as well as the success of the enterprise in which you are engaged.

I have the honor to remain, &c.

SAMUEL BARRON.

Commodore Barron to William Eaton, Esq.

MALTA, *March* 22, 1805.

SIR: By Captain Hull, who arrived in this harbor with the United States' brig Argus under is command, on the 10th instant, I received your avors addressed to me, together with communi ations for the Secretary of the Navy, and copies f the correspondence between yourself and Cap ain Hull, relative to your proceedings from your rrival in Egypt until his departure from thence; lso, by the hands of Mahumed, Secretary, a letter rom His Excellency Hamet Bashaw, announcing is junction with you; all which I have perused ith an attention and deliberation which the im ortant and interesting nature of their contents emands. I cannot but applaud the energy and erseverance that has characterized your progress hrough a series of perplexing and discouraging ifficulties, to the attainment of the object of our research, an attainment which I am disposed o consider as a fair presage of future success.

On receipt of these communications, by Captain ull, I did not lose a moment in making the ecessary arrangements for sending you suc ors, and I now despatch the Argus brig, with he Hornet sloop under her convoy, carrying a ariety of stores and provisions, according to the ccompanying list. Captain Hull will shape his ourse for Bomba direct, where he calculates on inding you, with the Bashaw and his army, and here he supposes you will make a stand. I have irected him to deliver these stores to you, to be pplied as your discretion may direct. He has lso under his charge a sum in specie, amounting o seven thousand dollars, which is likewise to be laced at your disposal. By the time these vessels stablish a communication with you, you will ave been enabled to form a correct opinion as to the rospect of ultimate success, and thence to esti ate the advantages likely to result to our affairs rom this co-operation, and by this opinion you ust be guided in the application of the succors. hould you have encountered unexpected diffi ulties and obstacles, which places the chances f success upon more than precarious ground, our own prudence will suggest the propriety of ot committing these supplies, and the money, ncontrolledly to the power of the Bashaw: indeed, n the point of view in which I regard the meas res already pursued, as well as the subject of co- peration generally, I conceive we ought to tread ith the utmost caution.

It is far from my wish, sir, to damp your ardor, r that of your companions in arms, by laying oo great a stress upon the cold maxims of pru ence, whereby the tide of success is often lost; omething, I am aware, should always be left to ortune in enterprises of this nature; but I must wn there are certain things expressed in your espatches, which, when brought to the test of y instructions from home, give birth to feelings f doubt and uneasiness: these I deem it incum ent on me to point out to you with candor and xplicitness, in order that we may be fully under tood. You must be sensible, that, in giving their anction to a co-operation with the exiled Bashaw, overnment did not contemplate the measure as eading, necessarily and absolutely, to a reinstate ent of that prince in his rights on the Regency f Tripoli. They appear to have viewed the co-operation in question as a means which, if there existed energy and enterprise in the exile, and attachment to his person on the part of his former subjects, might be employed to the common furtherance and advantage of his claims and our cause, but without meaning to fetter themselves by any specific and definite attainment at an end, which the tenor of my instructions, and the limited sum appropriated for that special purpose, clearly demonstrate. I fear, by the convention you were about to enter into with Hamet, and by the complexion of other measures, that a wider range may have been taken than is consistent with the powers vested in me for that particular object. These apprehensions may, perhaps, prove groundless on further representations from you; but, under my present impressions, I feel it my duty to state explicitly, that I must withhold my sanction to any convention or agreement committing the United States, or tending to impress upon Hamet Bashaw a conviction that we have bound ourselves to place him upon the throne. The consequences involved in such an engagement cannot but strike you forcibly, and a general view of our situation, in relation to the reigning Bashaw and our unfortunate countrymen in Tripoli, will be sufficient to mark its inexpediency. I shall consider it my duty, as it is certainly my inclination, to afford you every aid compatible with the authority vested in me, and commensurate with the means which have been placed at my disposal, and you may rely on the most active and vigorous support from the squadron, as soon as the season and our arrangements will permit us to appear in force before the enemy's walls; but I wish you to understand that no guarantee or engagement to the exiled prince, whose cause, I must repeat, we are only favoring as an instrument to our advantage, and not as an end in itself, must be held to stand in the way of our acquiescence to any honorable and advantageous terms of accommodation which the reigning Bashaw may be induced to propose: such terms being offered and accepted by the representative of Government appointed to treat of peace, our support to the ex-Bashaw must necessarily cease. You will not, however, conceive that these considerations, important and necessary as they are, ought to induce us at once to abandon the benefits which the measures you have adopted seem to promise. I conceive a perseverance in these by no means incompatible with a total freedom from any trammels with respect to a definite object; which freedom I deem it all important to preserve, especially when I view the peculiar situation in which Captain Bainbridge and his fellow sufferers may be placed by this co-operation. If, by your energy and exertions, added to the supplies now sent forward, you succeed in getting possession of Derne and Bengazi, we may calculate, that, having received this impulse from our strength, the Bashaw will himself possess sufficient energy, courage, and talents, and, if accounts are correct, sufficient interest among the people, to move on with firm steps, and to conduct his friends and followers to the gates of Tripoli.

Every support, will of course, be given to him by a systematic union of operations with the squadron, so as to enable him to get in the rear of the town; but should he be found deficient in those qualities, or that it appears we have been deceived in regard to the disposition of the inhabitants, he must be held as an unfit subject for further support or co-operation. I beg leave to mention to you, that, as we are short of officers, the services of all will be wanted on board the respective ships, as soon as we enter upon offensive measures. Should you conceive, however, that any serious disadvantage may result from withdrawing those with you, I have no objection to their remaining as volunteers; but it is impossible for me to comply with your requisition for one hundred marines to be sent to the coast. Such a step, in the present posture of affairs, far exceeds my powers; and, besides, as we are rather short of hands, I could not feel myself justifiable in detaching so considerable a force from the squadron. I have not been unmindful of your requisition for field artillery, which, I think with you, is essential, but here it was impossible to procure it; I, therefore, despatched, some days since, the Congress frigate to Messina, where I hope to obtain four field-pieces complete for service, and as soon as they arrive they will be sent to the coast, with the necessary ammunition. As I am too unwell to write you with my own hand, I must refer you to Captain Hull, in whose judgment and discretion I have the fullest confidence, for information on several collateral points, and for my sentiments on others. In this letter I have endeavored to explain, as clearly as possible, what are my ideas with respect to the wishes and intentions of our Government, and what I feel to be the extent of my authority, relative to the co-operation with Hamet Bashaw. I reiterate my fixed resolution to afford you every support and assistance which are consistent with the powers and resources vested in me; adding, at the same time, my dissent from any guarantee, covenant, or engagement, by which the United States may stand committed, to place the exiled prince on the throne, or any condition which militates against the most perfect and uncontrolled power of choice and action, and concluding a pacification with Jussuf Bashaw, should he offer terms honorable and advantageous to our country.

I should be wanting in justice to you, sir, as well as the officers who have shared thus far your toils and dangers, were I not to express my full reliance upon your courage, energy, and perseverance, as well as my ardent desire that your most sanguine expectations may be realized. The observations which I here convey to you are far from being intended to cool your zeal or discourage your expectations; but they are what I conceive it necessary to make, and drawn from me by the purest feeling of duty; and, as such, permit me to recommend them to your calm and candid consideration, and I request that you will make them the subject of conversation with Captain Hull, who is fully possessed of my sentiments.

SAMUEL BARRON.

Commodore Barron to Captain Hull.

MALTA, *March* 23, 1805.

SIR: By the accompanying communications to Mr. Eaton and to His Excellency Hamet Bashaw, which are left open for your perusal, and the personal knowledge you possess of my sentiments and wishes, you will be enabled to form a correct, and to yourself satisfactory idea of the service on which you are destined, with the United States brig Argus, and sloop Hornet, (Lieutenant Evans,) under your command. Its execution must necessarily depend so much on a variety of events and circumstances which may happen, and it is probable have happened to Mr. Eaton and his coadjutors, and which we are totally unable to foresee or to estimate, that I feel the impracticability as well as the unsuitableness of tying you down with precise and positive instructions. Hence, you will perceive, sir, that your own judgment and discretion, in which allow me to assure you I entertain the highest confidence, will frequently be your sole directors. Agreeably to what we have agreed upon, you are directed to shape your course for Bomba or its vicinity, and endeavor to establish an immediate communication with the Bashaw's army. If they have succeeded in penetrating beyond Bomba, you will there obtain correct information of their movements, which, in all probability, will be towards Derne and Bengazi, whither you will of course follow with your vessels, unless you find contrary instructions from Mr. Eaton. Having opened an intercourse with that gentleman, you will ascertain correctly from him the posture of affairs and the prospect of success, and you will, if he require it, land and deliver to him the stores and cash under your charge, taking the necessary receipts and vouchers. As you will perceive, by my letter to Mr. Eaton, I have left the application of these succors, and consequently the responsibility wholly to him, which I conceive proper, as well on account of his having the chief direction of the land operations, as that by the time you arrive on the coast he will have it in his power to form a just estimate of the chances of success, and thence, how far it is safe and expedient to pursue the object. Should it be determined to persevere, you are authorized to afford him every support and assistance consistent with your means and situation. You will confer together, and obtain the most minute and circumstantial information as to his future plan, and his ideas and wishes with regard to naval co-operations. On the subject of your return, it is impossible for me to furnish you with precise orders, as it will depend altogether on the situation in which you may find matters on the coast, and the nature of the arrangements to be made with Mr. Eaton. You will be aware of my anxiety to hear from you. You will, therefore, despatch the sloop to this place or Syracuse or return with the brig, as circumstances may direct.

In case of any unfortunate event having happened to Mr. Eaton and his companions, and you can obtain no satisfactory intelligence of them, it is left to you to act as you think most advisable

I remain, with sentiments of regard, sir, your very humble and obedient servant,

SAMUEL BARRON,
Commander-in-chief, &c.

Captain Isaac Hull.

From Commodore Barron to the Secretary of the Navy.

Malta, *April* 6, 1805.

Sir: Having in my respects of yesterday, given a full account of the present disposal of the squadron under my command, and whatever had occurred of notice since my preceding despatches, I have now the honor to lay before you a sketch of Mr. Eaton's transactions in Egypt, and the measures which have been, in consequence thereof, adopted. The accompanying communications from that gentleman to the Navy Department, oined with copies of those addressed to me, and the collateral correspondence between Captain Hull and him, to all which I beg leave to refer you minutely, will afford you a wide view of the subject, whilst it precludes the necessity of lengthy comments from me. You will there perceive the many and unforeseen difficulties which Mr. Eaton met with in finding the ex-Bashaw, who had oined the fortunes of the Mamelukes. You will be apprized of the situation in which matters stood at the departure of the Argus from Alexandria on the 19th of February, and the plan which he had chalked out to pursue the intended co-operation with Hamet. On receipt of these advices I made mmediate arrangements to send such part of the succors, requested by the Bashaw and Mr. Eaton, as could be procured here, and as I considered myself authorized by my instructions to afford; and Captain Hull sailed again on the 26th ultimo, n the Argus, with the Hornet sloop, (the same which I mentioned having purchased,) under convoy, carrying a supply of money, provisions, &c. He directed his course for Bomba, (a place about sixty miles to the eastward of Derne) where, as you will collect from the papers enclosed, he confidently expected to open a communication with the Bashaw and his followers. Such, sir, is the present situation of the business.

I am well aware that you will feel an anxiety o know my opinion with regard to the probable uccess of this co-operation; but, until I have further intelligence and more data to go by, it were improper even to hazard a conjecture. In perusing the letters from Mr. Eaton, and weighng the nature and consequences of certain meaures in his contemplation, I must own that I have felt some uneasiness, arising out of fear that he was taking a wider scope in his engagements o the Bashaw than is compatible with the ideas and intentions of Government, or with the auhority vested in me, as relates to the subject of co-operation. I have stated this apprehension in a communication to Mr. Eaton, in which I have also explained, in precise terms, my own ideas, and how far I conceived he might proceed without committing himself or the country. A copy of my letter will be found annexed. I feel confident that the sentiments there expressed, and the principles laid down, with respect to the plan in question, will meet your approbation.

From the concurring information, principally from persons well acquainted with the Bashaw, which I have recently received of his character and conduct, I confess that my hopes from a co-operation with him are less sanguine than they were. Perhaps, however, I may shortly have reason to raise my expectations to their former standard; but till something occurs to justify the belief that he possesses more courage, energy, and talent, than those who appear to know him well give him credit for, it would be reprehensible to flatter myself or the Government with prospects, which results may disappoint. I am equally at a loss to calculate the effects of this co-operation upon the mind of the reigning Bashaw; a short time will throw light upon this interesting point. In the meanwhile I cannot conceal from you my candid opinion that, from the obstinacy hitherto evinced by Jussuf Bashaw, and the pertinacity of his character, not unmixed with bravery and other qualities belonging to a soldier, added to the natural advantages of his situation, the contest promises to be more arduous than was at first anticipated. Our co-operation with Hamet may, and in all probability will, induce him either to offer us terms at once; or finding his dominions menaced, and his life endangered, to put every thing to the hazard of war. In the latter case, we may naturally conclude that his resistance will not only be obstinate, but desperate. I look with anxiety for the return of the vessel, which sailed a few days since for Tripoli for the prisoners; she will, undoubtedly, bring important intelligence.

The ex-Bashaw's Secretary of State, whom you will find mentioned in Mr. Eaton's correspondence, returned in the Argus to join his master. He appeared to be a sensible, discreet old man; he brought me a letter from the Bashaw, a translation of which, with a copy of my answer, is attached to the accompanying papers.

Commodore Barron to William Eaton, Esq.

Malta, *April* 15, 1805.

Sir: I had the honor of addressing you very fully on the 22d ult. by Captain Hull; since when I have received no advices from the Barbary coast. It was not till the 12th instant that the Congress arrived here from Messina, with the field artillery, which Captain Decatur experienced considerable delay and difficulty in procuring. It was my intention to have sent that frigate to the coast; but, on making particular inquiry of a pilot well acquainted in that quarter, I find that the impracticability of approaching the shore with heavy vessels renders the communication extremely uncertain and difficult. I have therefore thought it prudent to waive my original intention, and to despatch the Nautilus schooner, whose light draught of water will enable her to approach the coast with greater safety and advantage. Captain Dent shapes his course for Bomba, where I calculate he will find you with the Bashaw and army, and where I hope he will have little difficulty in establishing an intercourse. He has on board his schooner two brass field-pieces, with trains, powder, shot, &c., complete, which he is directed to deliver to your possession. I hope they will reach you safe, and have no doubt but they will be found extremely serviceable in the progress of your operations. Nothing material has occurred since Captain Hull's departure. The harbor of Tripoli remains closely blockaded. The President frigate sailed this day to reinforce the vessels already on that station. Captain Dent is instructed, after delivering the artillery and stores, to return immediately to this port with despatches from you. You will readily imagine my anxiety to hear of your proceedings and prospects. I am, respectfully, &c.

S. BARRON.

Extract of a letter from William Eaton to Commodore Barron.

DERNE, *April* 29, 1806.

The information I have the honor to forward of this date, stating, in abstract, occurrences since my last, will not disappoint the expectations my calculations there may have formed. Certain periods of your letter of the 22d ult. require a distinct and separate answer. This I shall do with candor.

It was understood when Government came to a determination to try the effect of a co-operation with Hamet Bashaw against the enemy, that provision would be made adequate to the experiment; six field-pieces, a thousand stand of arms, with suitable ammunition, and eighty thousand dollars, were asked for by Hamet Bashaw, while yet in possession of this province, and gaining ground against the usurper. The Secretary of the Navy informed me that the arms, ammunition, and fifty thousand dollars, would be furnished, and they were to have been put on board at Hampton Roads, while the squadron were getting ready for sea. Information arrived of the Bashaw having been driven from his post, and retired to Egypt. In consequence of which it is to be presumed the supplies getting in readiness were withheld, as the success of the experiment then appeared very doubtful. The twenty thousand dollars, deposited with the Consul General at Algiers, to be applied to this service, cannot be supposed adequate to the purpose of bringing the Bashaw from his exile in Egypt, placing him in a situation to act against a rival, possessed of all the resources of his kingdom, and carrying his plan of operations into effect, whatever may have been the dispositions of the people towards him. The twenty thousand dollars, therefore, could have been meant only to assist the research of the Bashaw, and the revival of his affairs, in case our plan should be thought feasible. Hence, I think it is not presuming too far to conclude that the unlimited discretion vested in the Commander-in-Chief, in regard to all the exigencies of the war, and particularly as it relates to the object in view, extends to every matter necessary to its accomplishment. The instructions to the Secretary of the Navy certainly cannot mean to tie him down to any limited applications.

The advantages calculated to result from th success of this measure have heretofore been stated, and thus far the experiment has not disappointed these calculations. We are in possession of th most valuable province of Tripoli; the high estimation the enemy places on this department of th kingdom is evidenced by the extraordinary effort he has used to defend it, and by the menaces t which he has resorted to deter us from the operations here; his camp was only fourteen hours march from the place, when we seized it by assault. I am this evening informed they are retrograding, and only regret we have not the mean of pursuing them. The expenses already incurre in this expedition will amount to nearly thirt thousand dollars; for thirteen thousand of whic we are indebted to Messrs. Briggs and Brothers o Alexandria; eleven thousand have been receive through the hands of Captain Hull, including hi advance and drafts in Egypt. I have disburse nearly two thousand, and for the residue shall b indebted to individuals. This expense will no appear extravagant when it is considered that i covers all our expenditures in Egypt, where man sacrifices were necessary, to pass the barriers o Turkish jealousy and avidity in getting the Bashaw through that country; of furnishing horses tents, arms, and ammunition, preparatory to ou entering the desert; of provisioning a thousan two hundred souls, and about two hundred horses in that barren desert, upwards of forty days, a distance of nearly five hundred miles, and of caravan for transporting these provisions the whole distance from Alexandria, and also the unavoidabl expenditures in presents to chiefs, and payment to troops, in order to gain the one and avail ourselves of the services of the other.

MAY 1.

The situation in which it is known Hame Bashaw was found in Upper Egypt, must of itsel suggest the idea that he must be destitute of al means of moving a military expedition, excep the attachment of his subjects. The possessio of this province does not materially alter tha situation. The general failure of the harves which the whole coast of Barbary experience last season, together with the extraordinary tributes which Jussuf Bashaw has exacted to support the war, has rendered not only this, but ever other part of Tripoli poor and oppressed, wholl destitute of contributing any thing very considerable to either of the rival brothers. This is a circumstance favorable to our measures, if we wil go to the expense of profiting of it. No chief whatever may be the attachment of his followers can long support military operations without th means of subsisting and paying his troops. Th observation is peculiarly applicable to the tempe and circumstances of the Arabs of this country who, in fact, form its real strength; who are poor yet avaricious, and who, being accustomed to despotism, are generally indifferent about the nam or person of their despot, provided he imposes no new burdens. Stronger proof of this cannot be brought than the difficulty Jussuf Bashaw's camp has found in recruiting in its progress from Tripoli. It left there long since with about two hundred men.

I have this morning intercepted six letters from that camp, dated only four days since, signed by the commander-in-chief, the Governor of Bengazi, and aid-de camp, addressed to the Governor of Derne, and to several chiefs or shieks, encouraging them to hope and perseverance, and stating that their delay has only been occasioned by expectations of receiving reinforcements from the Arab tribes. They have increased their number only three hundred, though they have passed through that part of the country nearest, and most nearly attached, to the enemy. Hamet Bashaw brought two thousand Arabs into the field on the 17th. This serves to show the weight of money with these people, and as a pretty good criterion of the balance of influence between the two Bashaws. With the aids contemplated by Government to have been furnished Hamet Bashaw when in the position he now holds, I have no doubt but he may proceed to the walls of Tripoli. But while I offer this opinion, I cannot conceal my apprehensions, grounded on experience, that when arrived there he could effect little, without more military talents and firmness than exists either in himself or the hordes of Arabs who attach themselves to him. They are exactly what Volney describes of the camps of the Egyptian Beys, rather a rabble than an army; and in our affair they have held safe positions to catch fugitives, until the doors of the enemy were open for plunder, when they became at once brave and impetuous. If, therefore, the co-operation is to be pursued with him, and its direction is to be confided to me, it must be on conviction that detachments of regulars may be occasionally debarked from the squadron, or procured elsewhere, to aid and give effect to such operations as require energy. With the supplies asked for, provisions for our Christians, and with the firm front of one regular regiment, I believe it would not be presuming too far to engage, in conjunction with the squadron, to force the enemy to take refuge in a sanctuary. But I confess, sir, there is one discouraging circumstance resulting from the declared views in affording auxiliaries to Hamet Bashaw. These aids are to be withdrawn at any period when the enemy shall propose terms of peace, which may be accepted by the agent of Government on the spot. If Hamet Bashaw is to be used solely as an instrument to the attainment of an object exclusively to the advantage of the United States, without any consideration to his future existence, or well being, I cannot persuade myself that any bond of patriotism dictates to me the duty of having a chief agency, nor indeed any, in so extraordinary a sacrifice. Certainly the enemy will propose terms of peace with us the moment he entertains serious apprehensions from his brother. This may happen at any stage of the war most likely to rid him of so dangerous a rival, and not only Hamet Bashaw, but every one acting with him, must inevitably fall victims to our economy. If we proceed no further, it would seem incumbent on the honor of our Government, in the event of peace, at least to place Hamet Bashaw in a situation as eligible as that from which he has been drawn, out of the power of an incensed and vindictive enemy. Probably Jussuf Bashaw would agree to establish him in the Government of this province and Bengazi, and to restore to him his family. He may perhaps be made satisfied with such an accommodation, and the United States experience from it many of the advantages calculated to result from carrying the original plan into execution, and consistently with both our honor and interest. At all events, I am deeply impressed with the opinion, that the post we have secured here should not be abandoned, nor terms of peace precipitately embraced; indeed it were to be wished that the effect of the success of a co-operation might be tried. It would very probably be a death-blow to the Barbary system. Any accommodation savoring of relaxness would as probably be death to the navy and a wound to the national honor. If it is determined either to proceed or hold a position here, further supplies of cash and provisions must immediately be sent to the coast.

From reasons which will suggest themselves from preceding observations, it would not be good policy in Hamet Bashaw to levy contributions during the contest with his brother, lest he should alienate his friends. On the contrary, he ought to be enabled to move with a liberal hand. Cash will do much with the inhabitants of this country: even those whom it will not engage to fight will by it be engaged not to fight; with it we can pass generally. But if here and there we find a walled town or a garrison impervious to its influence, cannon balls and bayonets come in as irresistible agents. The convention I have entered into with Hamet Bashaw may be useful in case he succeeds in getting repossession of his Government, otherwise it can do no mischief, even if ratified, as will appear by the precaution in the second article.

Extract of a letter from Commodore Samuel Barron to Tobias Lear, Esq.

MALTA, *May* 18, 1805.

The recent despatches from Mr. Eaton have been communicated to you. From their tenor, and the knowledge I have within a short time obtained of certain features in the character of Sidi Hamet Bashaw, I must candidly own that I have no longer the same expectations which I once entertained of the success of the co-operation with him. His want of energy and military talents, his total deprivation of means and resources, the great expense already incurred, and the large sum which would be required, according to Mr. Eaton's statement, for pursuing the object, a sum far exceeding both the resources placed at my disposal, and the powers vested in me by my instructions, compel me to relinquish the plan. Indeed, on mature reflection, I am of opinion that if the ex

Bashaw, having received this impulse from our strength, and being put into possession of Derne, the province where his interest is supposed to be the strongest, has not in himself sufficient energy, address, and courage, and cannot command sufficient means to move on with firm steps towards the usurper's residence, whilst we second his operations by sea, he must be considered no longer a fit subject for our support or coöperation. I am preparing to send provisions to the coast for the subsistence of the crews of the Argus brig and Nautilus schooner, which remain there at Mr. Eaton's request, and by the sloop Hornet, which conveys them, I shall send such instructions to that gentleman, and the officers with him, as further reflection and the nature of your determination on this letter my dictate. Whatever may be the final result of this co-operation, I cannot reject the belief, that it has had a powerful effect upon the reigning Bashaw; and it may be fairly presumed that the gallant conduct of our friends in the affair at Derne, and the capture of that place, will have their influence, and dispose him to moderate his pretensions, and to think seriously of peace. The complaining condition of some of the ships of our squadron is not among the least important considerations of the present moment; three of the frigates are in such a state as, in my opinion, and in that of the commanders, renders them unfit to encounter the severity of another winter's blockade, without undergoing considerable repairs.

These facts and considerations, for the due appreciation of which you, sir, are fitted by your talents, and the length and particular line of your experience, seem to point out the present as auspicious beyond any former occasion, and indeed as the very moment for attempting a negotiation; especially when we combine with these reflections the certainty that our force, respectable as it is, is yet greatly exaggerated at Tripoli, and consider the effect which such a view of the enemy, added to the movements of his brother, must have on the mind of Jussuf Bashaw. Strongly persuaded that your conclusions upon these points have anticipated my own, I am induced to state to you my earnest wish that you may deem it expedient to meet the overture lately made through the Spanish Consul, by His Excellency, so far as to found on it the commencement of a negotiation. I cannot entirely suppress another motive, which I confess weighs painfully on my mind. I trust I feel as becomes an American, and that I know what an American ought to suffer, when the interest and honor of his country call on his fortitude. Were I deficient in these respects, or misled by unreflecting compassion, I am well assured that Captain Bainbridge and his unfortunate comrades would be first in deprecating this deficiency. But I know the value of such a man as Captain Bainbridge and his officers, and I am persuaded that I speak the language of our country, when I declare that, as they lost their liberty in her defence and her service, no reasonable and honorable occasion should be neglected which affords a prospect of releasing them from the bondage of a bigoted and unfeeling tyrant.

In communicating these sentiments, you, sir, will do me the justice to believe that I discard every idea of any real point of national honor or advantage being sacrificed to the attainment of their emancipation, weighing that honor and advantage by the practice of powerful nations; but I must contend that the liberty, and perhaps the lives of so many valuable and estimable Americans ought not to be sacrificed to points of honor taken in the abstract. Should the event justify my hopes and expectations of your coincidence with me on this interesting subject, and you determine on going to Tripoli, Captain Barron, commanding the Essex frigate, who is under sailing orders for the blockade, will be instructed to wait your arrangements, and convey you thither.

I beg leave to add my assurances, that, in case you determine on this step, sanguine as my expectations will be of the issue, I shall not relax in the smallest degree from hostile preparations, well aware that the best assistant which an able negotiation can have is an energetic display of force and means at the very moment, as if peace were despaired of.

Tobias Lear to Commodore Samuel Barron.

Malta, *May* 19, 1805.

I had the honor last evening to receive your letter of yesterday, on the subject of opening a negotiation with the Bashaw of Tripoli. Most sincerely do I lament the long and severe illness you have suffered, and under the effects of which you still labor; and I am fully persuaded that no consideration would lead you to relinquish the command vested in you by the Government of our country, but a thorough conviction that your retaining it, when unable to perform the duties inseparable from the station, would be injurious to the cause in which we are engaged; and I am also persuaded, that when such conviction arises, all personal considerations will yield to your patriotism. I have maturely considered the several points mentioned in your letter relative to a negotiation with the Bashaw of Tripoli; and, upon a view of my instructions from the Government of the United States on that subject, I conceive it my duty to endeavor to open and bring to a happy issue a negotiation for peace, consistent with the tenor of these instructions, whenever the commander of our naval force in this sea shall judge that the occasion is proper and favorable. As it is presumed that the Bashaw will be impressed by the aspect or operations of that force, and as this is, in your opinion, a proper occasion, I shall hold myself in readiness to proceed in a few days on that business, with Captain Barron, in the United States frigate Essex, which you are so good as to say will wait my arrangements.

I presume, as Captain Rodgers, who is your second in command, and who will, of course, take the command of the squadron, if your health, as you apprehend, should compel you to relinquish it, is now off Tripoli, and may be possessed of some information relative to our affairs with that Regency, which has not reached you, that he will be fully advised of the motives which have induced this measure, and instructed to give it all the facility which his judgment may suggest.

Although I cannot, sir, agree with you in opinion, that any impression favorable to us has been made on the mind of the Bashaw, from our co-operation with his brother, thus far, excepting what may arise from the undaunted bravery and perseverance of the force of our countrymen at Derne, which will be to him a further proof of what we can do alone against him; yet I am of opinion, that, as he has discovered a disposition to open a negotiation, we should embrace it, to see if such terms can be made as are admissible on our part, and to release our unfortunate countrymen out of his power, whose fate ought not to depend on small punctilios.

Commodore Barron to Captain Hull, of the Argus.

MALTA, *May* 19, 1805.

Your several communications were received by the Hornet, which did not arrive here until the 16th, having met with head winds and heavy gales.

Your various information is under my particular attention. The state of my health, and my anxiety to despatch the sloop without loss of time, does not allow me to enter into lengthy observations. Nor is it indeed necessary. The letter I have written to Mr. Eaton by this conveyance, and which he will communicate to you, will, no doubt, determine him and the officers to leave the coast, as a measure rendered necessary by existing circumstances, and especially by the intention of the Consul General to open a negotiation with Jussuf, reigning Bashaw of Tripoli. You will, therefore, as soon as the requisite arrangements are made, return with the vessels under your command to Syracuse, to which place it is contemplated to transfer headquarters in the course of a few days. Lieutenant Evans is instructed to deliver the stores, which have been laden in the sloop, to you, to be distributed according to your discretion. You will understand those stores are intended for the use of the crews of the United States vessels, and the Christians under the command of Mr. Eaton.

Nothing material has occurred in our affairs since your departure. Mr. Evans will be able to inform you of everything worthy of notice. I have likewise sent with Mr. Evans two thousand dollars (Spanish) in specie, which will serve to extinguish any individual engagements that you or Mr. Eaton may have contracted at Derne.

I look anxiously for further intelligence from Derne.

Commodore Barron to William Eaton, Esquire.

MALTA, *May* 19, 1805.

SIR: By the sloop Hornet, which arrived in this harbor on the 16th instant, (having had a tedious passage,) I had the honor of receiving your despatches of 29th ultimo and 1st instant, announcing the capture of Derne, after a contest, in which, permit me to observe, that your conduct, and that of your companions in arms, will not discredit the character which our countrymen have established among the nations of Barbary. I have perused, with deserved attention, the arguments and reasons adduced in your letter of the 1st, on the subject of pursuing the co-operation with Sidi Hamet Bashaw. Being myself too weak for the exertion of letter writing, and my secretary writing with difficulty, owing to an inflammation in his eyes, it is impossible for me to enter into a lengthy reply; nor does it indeed appear necessary. The business is now arrived at that point, where, if the ex-Bashaw, after being put in possession of Derne, his former Government, and the district in which his interest is most powerful, has not in himself energy and talent, and is so destitute of means and resources, as not to be able to move on with successful progress, seconded by our naval force acting on the coast, he must be held as unworthy of further support, and the co-operation as a measure too expensive and burdensome, and too little pregnant with hope or advantage, to justify its further prosecution; for whatever, sir, may have been once the intentions of Government on this subject, and whatever your ideas touching those intentions, I feel that I have already gone to the full extent of my authority. The instructions from the Navy Department on this particular point, with which you are not unacquainted, fall short of that unlimited discretion and power of application as relates to funds, insisted on in your letter, and are totally silent in regard to the quantity and description of supplies and stores which you mention to have been in the contemplation of Government to furnish to the Bashaw. Hence you will be sensible, that, without taking a latitude that would involve me in a sum of responsibility, which it were the extreme of folly and rashness to encounter, I cannot proceed further. Independent of this consideration, it may not be improper to state, that I have not at my disposal funds sufficient to meet the large sums which, according to your calculation, would be required to pursue the plan with effect. With respect to any engagements to Sidi Hamet, I cannot consider them as binding or definite. We have, by our resources, and your valor and enterprise, placed him at the post from which he was driven, when first he solicited the aid and support of our arms, and in the "most valuable province of Tripoli:" in performing which, we have, I conceive, fulfilled every pledge, and that he can neither charge us with bad faith in our engagements, or with injustice to himself. His want of those qualities so essential in the character of a commander, and especially to a Prince contending for his throne, is a serious obstacle to the advancement of his cause, not to be surmounted even by the existence and manly exertion of them in those about his person. But it is what we had no reason to anticipate, and still less to suppose, that, when master of the finest province in his kingdom, where his influence is greatest, and his adherents most numerous, his situation would not be materially altered, and himself as destitute of means to carry on the contest as when he was brought from his exile in Egypt. In short, sir, the matter reduces itself to this: we are willing and ready to support the Bashaw, by a union of operations on the coast, so long as the war with Tripoli continues; but you will state explicitly to his Excellency, that our supplies of money, arms, and provisions, are at an end, and that he must now depend on his own resources and exertions. This determination will suggest to you and your comrades that line of conduct most prudent to be adopted in the present posture of affairs. I have lost no time in despatching the Hornet with a supply of provisions for the crews of the Argus and Nautilus, and the Christians under your command; and I hope she will arrive in time to prevent your suffering from want.

I have now to acquaint you with an occurrence in our affairs, interesting in itself, and momentous as relates to your situation. In consequence of recent advices from Tripoli, I have thought it my duty to state to the Consul General, Col. Lear, (now at this place,) my candid opinion, that the present is a moment highly favorable to treat for peace; and a communication has, this moment, been handed me from that gentleman, expressing his determination to meet the overture lately made by the reigning Bashaw, so far as to found on it the commencement of a negotiation, and to proceed to Tripoli, in the Essex frigate, in the course of this week. From a variety of concurring circumstances, the present appears to be a period propitious to such a step, and I cannot help indulging sanguine hopes that a very short time will restore Captain Bainbridge and his unfortunate companions to freedom and their country. It would be useless in me to say anything on the effect which this measure must needs have on your situation and determinations; it is a measure which was anticipated in my letter to you by Captain Hull; and, as such, the intelligence of it will not, I presume, reach you unprepared. The interests of Sidi Hamet will not be overlooked. It is with Colonel Lear's express sanction that I state to you his intention to endeavor at stipulating some conditions for the unfortunate exile, provided this can be done without any considerable sacrifice of national advantage on our part, and without giving up points that are essential.

I have sent, by Lieutenant Evans, two thousand Spanish dollars, which he is directed to deliver to you or Captain Hull. This sum will serve to extinguish any little engagements you may have contracted at Derne.

I am extremely anxious for further intelligence from you, and remain, with much respect, &c.

S. BARRON.

Commodore Samuel Barron to Colonel Tobias Lear, Consul General, &c.

MALTA, *May* 22, 1805.

I have received the letter which you did me the honor of addressing to me on the 19th instant, stating your intention of going to Tripoli in the Essex frigate, for the purpose of opening a negotiation with the Bashaw.

I have now to acquaint you, that, for the reasons mentioned in my communication of the 18th, which every day's experience fatally strengthens, I have conceived it a duty owing to our country, as well as an act of justice to the squadron, to relinquish a station, which the languor of sickness, and consequent mental as well as bodily inactivity, prevent me from filling any longer, with approbation to myself or with advantage to the service. I have accordingly written by the Essex to Captain John Rodgers, the officer next in seniority, (now off Tripoli, in the Constitution,) officially resigning to him the command of the naval forces of the United States in this sea; and I have at the same time expressed my ardent desire that he should give every facility to the important measure which has been agreed upon, and support the negotiation with all his zeal and activity. I beg leave to mention that the Essex is completely ready for sea. Captain Rodgers has now been fifty days on the station, and I feel the importance of his being made acquainted with my determination without delay.

I have sent orders to Captain Campbell to despatch the Vixen to the station off Tripoli, with intelligence of the situation of affairs with Tunis, and have every reason to believe that they will reach him before the brig leaves the bay.

I have the honor to be, &c.

S. BARRON.

Commodore Samuel Barron to Captain John Rodgers.

MALTA, *May* 22, 1805.

SIR: Since I had the pleasure of writing to you by the frigate President, I have not received any intelligence from the Barbary coast. Capt. James Barron, commanding the Essex, has received orders to proceed off Tripoli, for the purpose of conveying the Consul General, who will communicate to you his intentions, which will be further explained by the accompanying copies of my late correspondence with him.

Although I have never disguised from myself that my powers of attention have been weakened by the effects of my long and distressful indisposition, almost equally with my strength and bodily activity, I have nevertheless been drawn on, from week to week, by the hopes of a speedy recovery, hopes which the unsteady character of the disorder itself rendered plausible, and which I was even authorized to cherish by the corresponding opinions of my medical attendants, gentlemen of high and merited rank in their profession, connected with me no further than as my situation requires their assistance, and only so long as my residence in Malta gives them the opportunity of affording it, and who therefore could have no interest in inspiring groundless expectations, with no other possible effect than that o exasperating the final disappointment. But, sir, though I feel myself perfectly justified in forming these hopes of recovery, I am sensible tha the moment is arrived when I can no longer per severe justifiably in acting upon them; the season for decisive measures has overtaken me, and I am at length forced to perceive, that my unceasing and anxious impatience for a return of health, from the deep wish of discharging the important functions entrusted to me, has continually retarded that return, and that this inevitable solicitude which, while I retain the command, it is impossible that any state of health should obliterate or even suspend, must not only defeat its own immediate object, but greatly diminish, and perhaps preclude the probability of my serving my country at any future time. To relinquish my command, therefore, is, I conceive, a duty which I owe to our country and to the service in general, but more particularly to the present squadron; an act of justice which the skill, courage, and general merit of the officers, and the order and discipline of the crews, at once enforce and imbitter; for you, sir, need not be informed that this decision could not be made without a long and painful struggle, as well as deep deliberation; but it is made, and accordingly I do hereby resign the command of the naval forces of the United States in these seas, and by this letter communicate my resignation officially to you, on whom the command devolves by the law of seniority, reserving to myself, however, the right of resuming it in case the war should be protracted beyond my hopes and expectations, and my health be fully restored. I have only to add on this point, that the pain inseparable from this act of duty is greatly alleviated by two reflections: first, that in having you, sir, as my senior captain, I am enabled to resign my station to an officer who already in a high degree enjoys the confidence of our Government; and secondly, that, previous to my resignation, the Consul General has expressed his coincidence with the opinion which I officially communicated to him, respecting the propriety and policy of meeting the recent overtures of the Bashaw of Tripoli, so far as to open a negotiation, for which I am persuaded that the present moment is eminently favorable, and of the success of which I entertain sanguine expectations, conducted, as it will be by a gentleman of such ability, experience, and moderation, as Colonel Lear, with the ready assistance and co-operation which I doubt not he will find in your activity and zeal. I cannot suppress the feeling, that, if anything could restore me to health, as by a charm, it would be the sight of Captain Bainbridge and his fellow sufferers restored at length to freedom, on terms of peace at once honorable and advantageous to our common country; such terms, on which, I am convinced, notwithstanding all their privations and sufferings, they would alone desire their emancipation, or look back with pleasure on its attainment. Should, however, these hopes be baffled by the extravagance and infatuation of the enemy, I can only express my earnest wish, that the valor and exertions of the squadron may soon create another opportunity, and that to their honor they may succeed in inspiring additional respect for the American name, and a pacific policy in the whole of the Barbary Government; thus realizing an object which must be deep in the hearts of our countrymen, and for the accomplishment of which I should have considered no personal sacrifice too important.

I beg leave to refer you to Captain Barron for full particulars of occurrences since your departure, and for the present distribution of the squadron; and I beg leave also to assure you that my anticipation of the success of Colonel Lear's visit to Tripoli will not diminish, in the smallest degree, the preparations for offensive measures; and that, as far as my strength will permit, I shall proceed with every necessary arrangement till we meet. It is not in my power, at this moment, to transmit you all the papers and documents, the transfer of which becomes requisite by my resignation. I have, however, directed my Secretary to prepare them, and they will be delivered to you on your arrival here.

With my sincere wishes for your health and prosperity, I have the honor to subscribe myself, sir, your very faithful and obedient servant,

SAMUEL BARRON.

Extract of a letter from Robert Dennison, Secretary to the Commander of the Mediterranean squadron, to the Secretary of the Navy.

MALTA, *May* 22, 1805.

It appears, by a variety of letters which have been received, that the Bashaw is seriously disposed and earnestly desirous for peace with the United States; and what confirms this idea, beyond all doubt, is the receipt by Colonel Lear of a letter, written at the express solicitation of the Bey, by the Spanish Consul, with overtures for opening a negotiation, and accompanying a *teschera* or passport under the Bey's seal, guarantying the inviolability of any person or persons sent to Tripoli to treat of peace. These direct evidences of a pacific disposition in the Bashaw were a few days ago prefaced by a communication to Commodore Barron from Mr. Nissen, the Danish Consul, written at the desire of the Minister Sidi Mahomet Dghies, expressing the Minister's sincere and earnest wish for the re-establishment of peace, and recommending that a person should be sent over immediately to commence a negotiation. In consequence of these repeated and unequivocal manifestations of a disposition on the part of the enemy to accommodate differences, the Commander-in-chief thought it his duty officially to communicate to the Consul General his opinion that the present moment is favorable for opening a negotiation; and the latter having expressed his coincidence therewith, the measure has been agreed upon, and Colonel Lear is making arrangements to proceed on board the Essex frigate to the coast of Tripoli in the course of two or three days. Commodore Barron entertains the most sanguine hopes of the happy issue of this measure, and anticipates, with not less confidence than pleasure, the speedy emancipation of Captain Bainbridge and his suffering companions. I think it is not hazarding too much to say, there is scarcely a doubt but the business will be honorably and satisfactorily terminated in less than a fortnight.

Third article of the preliminary articles of the Treaty of Peace to be entered into between the President and citizens of the United States of America on one part, and the Bashaw Bey and subjects of Tripoli, in Barbary, on the other part.

Upon the conclusion of a peace, as aforesaid, between the United States and the Regency of Tripoli, all the forces of the United States which have been and may be in hostility against the Bashaw of Tripoli, in the province of Derne, or elsewhere, within the dominions of the said Bashaw, shall be withdrawn therefrom, and no supplies shall be given by or in behalf of the said United States during the continuance of the peace aforesaid, to any of the subjects of the said Bashaw who may be in hostility against him in any part of his dominions; and the Americans will use all means in their power to persuade the brother of the said Bashaw, who is co-operative with them at Derne, &c., to withdraw from the territory of the said Bashaw of Tripoli, but they will not use any force or improper means to effect that object; and in case he should withdraw himself, as aforesaid, the Bashaw engages to deliver up to him his wife and children, now in his power.

TOBIAS LEAR,
Commissioner of the U. S., &c.

Mr. Lear to Mr. Ridgely.

TRIPOLI IN BARBARY, *June* 6, 1805.

SIR: In conformity with the power vested in me by the Government of the United States to appoint an agent on their behalf to take charge of their affairs in Tripoli, provided a peace should be concluded between the United States and the Bashaw of Tripoli, until the pleasure of the President of the United States should be known, and as peace is now happily concluded between the two nations, I find it incumbent upon me to carry into effect the authority vested in me; and as you have expressed your willingness to act as the agent of the United States in this Regency, I have the honor herewith to transmit you a power for that purpose, and at the same time to express my satisfaction in your readiness to receive it; because, besides the qualifications which I believe you to possess to execute the duties of said agency with honor to yourself and country, I am persuaded that your residence here for nineteen months past (although mostly in a state of confinement) has offered an opportunity of acquiring a knowledge of the Government, customs, and manners of those people, which will be found essentially useful; and your profession will secure you an influence which cannot always be gained by a person brought up to other pursuits.

Although the salary to be paid to an agent is not specifically mentioned to me by my Government, I shall feel myself justified in saying it will be the same as that allowed to a Consul, viz: two thousand dollars per year as salary; wages of the dragoman, stationery, and some other expenses of a public nature, as are necessarily attached to the office, and usually paid by other Consuls in this place on account of their Governments.

You will receive herewith the Treaty of Peace between the United States of America and the Bashaw of Tripoli, in English and Arabic, and executed in due form on the fourth day of the present month. This treaty is considered as highly favorable to our country, and you will take care that it be duly observed. The circumstances under which it has been made gives us the best-grounded reasons to believe that there will be no attempt on the part of the Bashaw or his subjects to violate it. Should this, however, unfortunately be the case, your firmness and good judgment will be a security against any evils arising from a sudden or violent departure from it.

In order that you may see the relation which the Consul of the United States residing here bears to the Consul General residing in Algiers, I take the liberty of quoting a part of the instructions given to me by the Secretary of State of the United States, under date of the 14th July, 1803:

"The Regency of Algiers being of the most importance to the United States, considering its influence with those of Tunis and Tripoli, and our stipulations with that Regency requiring the largest expenditures, are the reasons why the Consul General is established there. The relation of the Consuls for those other Regencies is therefore a subordinate one, and they will consequently be instructed to correspond regularly with you, as well as directly with the Department of State. In all cases of difficulty and urgency, they are to ask and follow your opinion, especially when the state of our affairs may require immediate decision, and where the sacrifice to be made is either of an occasional and not a permanent nature, or of no very high value. They are to keep regular journals of their proceedings, including their pecuniary transactions, and transmit transcripts as often as may be to you. Of so strict a necessity is this latter duty, that they will be given to understand that no allowances for disbursements will be made them unless registered in their journals at the time, and transmitted both to you and this Department, with the very first despatches they may write to either after the expense is incurred."

Our Government had thought it expedient to change the Mediterranean passport heretofore given to our merchant vessels, and arrangements for this purpose have been made with the Emperor of Morocco, and the Regencies of Algiers and Tunis. Until the first day of July next ensuing, either the new or old passport will be considered as valid for our merchant vessels, but after that period the new passport will be alone available. I have therefore furnished you with twenty *tops* or *testa* of both the old and new passports, one of each you will give to every cruiser sailing from Tripoli, before the first of July aforesaid; after which, you will withdraw from them the tops of the old passports, and issue the new only. I leave with you also twenty-four forms of Consular passports, which were put into my hands by Mr. Cathcart, our late Consul here, to be given to the Tripolitan cruisers. These passports must be renewed at least once a year, and an endorsement made upon them by you every cruise which the corsair may make within the year, noting any change which may take place in the captain's number of guns, &c.

Mr. Nissen, His Danish Majesty's Consul here, will have the goodness to give you any information you may wish respecting the usual forms of Consular business in this Regency; and I am persuaded that his best advice would always be given on any points of business which might arise here relative to our affairs, out of the usual routine of Consular duties. But, whenever such may occur, you will not fail to advise me thereof by the first and most direct conveyance. And if anything should happen which may threaten to involve the peace of our country with this Regency, you will be pleased to despatch information thereof by a speedy cruiser, either by sea or land, as may be most likely to reach me soonest. To the Department of State you will also make full communications, agreeably to the instructions which I have quoted for you in this letter; and in these communications you will please to detail all the information you can obtain respecting the political relations and military forces of this Regency, as well as particulars respecting the productions and commerce of the country.

I shall leave in your hands one thousand dollars on account of your salary, to be applied to any necessary expenses on account of the United States of America, and shall place a credit for you for one thousand dollars more on William Higgins, Esq., the navy agent of the United States in Malta.

Wishing you health and happiness, I am, sir, with great respect, your most obedient servant,

TOBIAS LEAR.

John Ridgely, Esq.

Appointment of Mr. Ridgely, by Mr. Lear, as United States Agent at Tripoli.

Whereas the undersigned, Tobias Lear, Consul General of the United States of America for the Regency of Algiers, being duly appointed Commissioner by letters patent under the signature of the President and seal of the United States of America, bearing date at the city of Washington the 18th day of November, 1803, for negotiating and concluding a Treaty of Peace with the Bashaw of Tripoli; and whereas the said undersigned was authorized by instructions from the Secretary of State of the said United States, bearing date the 6th June, 1804, to appoint an agent to reside in Tripoli, in behalf of the United States of America, until the pleasure of the President of the United States shall be known thereon, whenever peace should be concluded as aforesaid:

Now know ye that I, the undersigned, having concluded a peace between the United States of America and the Bashaw Bey and subjects of the Regency of Tripoli, have appointed, and do by these presents appoint, John Ridgely, of the State of Maryland, to reside in Tripoli, as the agent of the United States of America, until the pleasure of the President of the United States shall be known as aforesaid; and do authorize and empower him to have and to hold the said agency, and to exercise and enjoy all the rights, privileges, and authorities to the same of right appertaining during the time aforesaid.

And I do hereby request all captains, masters, and commanders of ships and other vessels, armed or unarmed, sailing under the flag of the said United States, as well as all other of their citizens, to acknowledge and consider him accordingly.

And I do hereby pray and request His Excellency the Bashaw of Tripoli to permit the said John Ridgely fully and peaceably to enjoy and exercise the said office, without giving or suffering to be given to him any molestation or trouble; but, on the contrary, to afford him all proper countenance and assistance.

In testimony whereof, I have hereunto subscribed my name and affixed my seal at Tripoli, in Barbary, this sixth day of June, one thousand eight hundred and five.

TOBIAS LEAR.

[Extract.]—Colonel Lear to William Eaton, Esq.

Tripoli, *June* 6, 1805.

In consequence of a representation made to me by Commodore Barron, that the present was a favorable moment for us to enter into a negotiation with the Bashaw of Tripoli, and my instructions leaving it to the commander of our forces in this sea to determine the proper time for such an attempt, I repaired off this place on the 26th ultimo, in the United States frigate Essex, and immediately opened a communication with the Bashaw. His demands were two hundred thousand dollars for peace and ransom, and the delivery on our part of all the Tripolines in our possession, and a restoration of all their property. These terms were at once rejected *in toto;* and, after some discussion, I proposed, as the *ultimatum,* that a mutual delivery of prisoners should take place; and, as he had a balance of more than two hundred in his favor, I would give him sixty thousand dollars for them, but not a cent for peace, which should be made on terms of the most favored nation with whom he has a treaty, and a regulation respecting prisoners, if a future war should take place between our nations; and in order to prevent any fruitless altercation, I declared I would not go on there to complete the business, unless these terms were formally acceded to. The weather proving bad for the season, obliged our vessels to keep off, and prevented a regular communication with the shore, which prevented the completion of the preliminaries until the 3d instant, when they were sent off to me with the Bashaw's seal. I immediately went on shore, and in twenty-four hours all the officers and crew of the late frigate Philadelphia were sent on board the ships.

I found that the heroic bravery of our few countrymen at Derne, and the idea that we had a large force and immense supplies at that place, had made a deep impression on the Bashaw. I kept up that idea, and endeavored from thence to make an arrangement favorable to his brother, who, although not found to be the man whom many had supposed, was yet entitled to some consideration from us.

But I found that this was impracticable, and that, if persisted in, would drive him to measures which might prove fatal to our countrymen in his power. I therefore engaged, of course, that, on the conclusion of peace, we should withdraw all our forces and supplies from Derne, and other parts of his dominions; and the Bashaw engages, that, if his brother withdraws himself quietly from his dominions, his wife and family should be restored to him. This is all that could be done, and I have no doubt the United States will, if deserving, place him in a situation as eligible as that in which he was found.

Commodore Rodgers to the Secretary of the Navy.

U. S. Ship Constitution,
Malta, *June* 8, 1805.

Sir: I have the honor to inform you that the preliminaries of peace were signed on the third instant, between Joseph, Bashaw of Tripoli, on behalf of himself and his subjects, and Tobias Lear, Esq., on behalf of the United States, and Captain Bainbridge, officers, and crew, of the late frigate Philadelphia, liberated on the same day. The Bashaw, feeling too sensible that, by a continuance of obstinacy, his town would fall a sacrifice to our forces this summer, proposed, and acceded to peace, on terms which left us no interest in a refusal of his wishes, as he acknowledged that he felt sensible our efforts would be sufficient to reduce his town, and oblige him to retire to the mountains. This acknowledgment at once precluded the possibility of acquiring any honor by our arms, but, indeed, the reverse, as it would have been persecuting an enemy, who, in anticipation of our vengeance, in this summer's expedition, by his own acknowledgments, felt himself more than half-vanquished—and who, perhaps, in his savage perturbation, might have carried his resentment to the sacrifice of three hundred of our unfortunate countrymen which chance had placed in his power. For your further information on this subject, I enclose you a copy of the preliminary articles.

I am only thirty-eight hours from Tripoli, where I left Colonel Lear, making the necessary arrangements for establishing Doctor Ridgley, late surgeon of the Philadelphia, in charge of our affairs in that Regency. The purport of my returning without Colonel Lear is, to carry the Tripoline prisoners in our possession back to Tripoli, and to make arrangements for going with the squadron to Tunis, to convince the Bey of that Regency, (who, owing to our having detained, and sent into Malta some of his vessels that were going to Tripoli, in open violation of the blockade, has shown a refractory disposition, and threatened us with war,) that his menaces are more the production of his ignorance and piratical inclinations, than any interest he can derive by a rupture with the United States. This will be a favorable moment to oblige this gentleman to relinquish his imprudent and unwarrantable demands against the United States; and, at the same time, to convince him that it is as demonstratively his interest to cultivate our friendship, as it is ours to avoid a war. However, I feel sensible that he knows his own vulnerability too well ever willingly to give us decided cause to make him feel our resentment, by the exercise of such a force as we at present have in the Mediterranean.

The Ceres, store ship, from Baltimore, arrived here thirteen days ago, but I did not receive your advices of the 9th, and 27th of March, until the third instant, off Tripoli. Neither the John Adams, either of the gunboats, or the other store ship from Baltimore, has arrived yet.

Commodore Barron having resigned the command of the squadron no longer ago than the twenty-second ultimo, my being off Tripoli ever since, and the multiplicity of business I have at present on hand, prevents my writing you so fully as I could wish, particularly as I am at this moment getting under way for Syracuse, to take on board the prisoners, to carry them to Tripoli.

I never thought, myself, that the lives of the American prisoners were in any danger.

I have the honor, &c.

JOHN RODGERS.

Hon. Robert Smith, *Secretary of Navy.*

William Eaton to Commodore Rodgers.

U. S. Frigate Constitution, off
Derne, *June* 30, 1805.

Sir: At six o'clock, P. M., of the eleventh instant, Captain Campbell anchored in this road; at eight, sent Lieutenant Wederstrandt with your letter of the 6th, and Colonel Lear's of the 5th, announcing the conclusion of peace with Joseph, Bashaw of Tripoli, and, consequently, requiring me to evacuate this post; and, the next morning, a letter from his own hand, advising me that his ship would receive my garrison. About nine o'clock, the Captain came on shore, attended by a few of his officers, whom I accompanied into town. I now communicated to the Bashaw the news of peace, on our part, with his brother, and the convention that his family should be restored to him, on condition of his quietly withdrawing himself from the kingdom. He said, he had no safety but in leaving the country with us, and even this would be impossible with him, and hazardous to us, if the project should transpire before carried into effect; despair would drive his adherents to revenge, and we must fall victims to it. I, consequently, kept up the idea of an attack on the enemy—an idea which had been excited by a report that reinforcements had been brought out in the frigate for this purpose—and, accordingly, sent ammunition and extra rations to be distributed among our Moorish and Arab troops, and despatched spies to ascertain the enemy's position. With the same apparent view, I inspected the garrison, ordered them to be divested of all heavy baggage, and to be held at their posts in readiness to advance at the word. At eight in the evening, I placed patrols of marines to stop intercourse between the town and our posts. This was a usual precaution at this hour, with the only difference, that, on ordinary occasions, this duty was done by routine. In the mean time, all the Constellation's boats were laid along side our wharf; I ordered the captain of cannoniers to embark his company, with the field-pieces, and a ten inch howitzer which fell into our hands on the 27th April, and after them the Greek company. This was executed with silence and alacrity, but with astonishment. The marines remained at their posts. When the boats were seen returning, I sent a messenger to the Bashaw, requesting an interview. Understanding the purport of this message, he immediately repaired to the fort with his retinue, dismounted, and embarked in the boats. The marines followed, with the American officers. When all were securely off, I embarked in a small boat I had retained for the purpose, and had just time to save my distance, when the shore, our camp, and the battery, were crowded with distracted soldiery and populace, some calling on the Bashaw, some on me; some uttering shrieks, some execrations. Finding we were out of reach, they fell upon our tents and horses, which were left standing, carried them off, and prepared themselves for flight. My garrison, together with the Bashaw and suite, were all on board the Constellation about two in the morning. Before break of day our Arabs were all off to the mountains, and with them, such of the inhabitants of the town as had means to fly, taking away with them every living animal fit for subsistence or burden, which belonged to the place. This morning, a *choux* from Tripoli, who came out in the frigate, went on shore under a flag of truce, and carried letters of amnesty from Joseph Bashaw to the people of Derne, on condition of their return to allegiance. He stated, on his return, that nothing but despair depicted itself in the visages of the few wretched inhabitants who remained; that they rejected Joseph Bashaw's terms of pardon, declaring they knew his perfidy too well to suffer themselves to be ensnared by it, and that they were resolved to defend themselves, to the last moment, from their terraces and walls of their houses, against his troops. It is to be hoped the position they have taken, may terminate in an accommodation, and save the tragedy that menaces them. It is now twelve o'clock, and we see no symptoms of the enemy's troops advancing towards the town. This, however, may be accounted for on other principles than those of humanity or arrangement. On the arrival of the Constellation, the idea impressed itself on them also, that she brought troops and supplies; in consequence of which, they decamped disorderly, and retired with precipitation to a post fifteen miles in the rear, towards the desert. It is possible they may not yet have heard of our evacuation. In a few minutes more we shall lose sight of the devoted city which has experienced as strange a reverse, in as short a time, as ever was recorded in the disasters of war—thrown from proud success and elevated prospects into an abyss of hopeless wretchedness. Six hours ago, the enemy were seeking safety from them by flight; this moment, we drop them from ours into the hands of this enemy, for no other crime but too much confidence in us. The man whose fortunes we have accompanied thus far, experiences a reverse as striking. He falls, from the most flattering prospects of a kingdom, to beggary.

Our peace with Tripoli is certainly more favorable, and, considered separately, more honorable than any peace obtained by any Christian nation with a Barbary Regency, at any period within a hundred years. But, it might have been more favorable and more honorable. It now remains, however, to dispose of the instrument we have used in obtaining this peace, in such a manner as to acquit our conscience and honor. This will require some diplomatic skill.

My despatches to Commodore Barron, of the fifteenth ultimo, and continued to the eleventh instant, accompanying this to your address, is a matter rendered proper by the transfer of the squadron to your command. Under actual circumstances, they can be of little import, but may, nevertheless, gratify a curiosity.

The duties understood to be annexed to my appointment in the Navy Department, having ceased with the war, I have no reasons for remaining any longer in this sea. I request, therefore, you will have the goodness to allow me a passage in the first ship of war of your squadron which you may despatch to the United States.

I flatter myself with the gratification of waiting on you at Syracuse in a few deys.

In the meantime, I have the honor, &c.

WILLIAM EATON.

JOHN RODGERS, Esq., &c.

Copy of a letter from Hamet Bashaw Caramalli to his friend and brother, William Eaton, late General and Commander-in-chief of our allied forces in our Kingdom of Tripoli.

Without placing in view the misfortunes which so long pursued me, I cannot forbear expressing to you, at this moment of our final separation, the deep sense of gratitude I feel for your generous and manly exertions in my behalf. Be assured, that, in whatever situation the will of God shall place me, I shall always bear this impression of gratitude on my heart.

On returning to your happy country, to which I wish you a safe passage, I request you will express to your Sovereign my cordial thanks for his manifestations of friendship towards me. Had it been ordained that measures might have been carried forward to the attainment of my wishes, the restoration of my rightful dominions to me, it would certainly have been cause of eternal gratitude. But, it is true, my own means were small. I know, indeed, they did not answer your reasonable expectations. And this, I am ready to admit, is a good reason why you should not choose to persevere in an enterprise hazardous in itself, and perhaps doubtful in its issue. I submit to the will of God, and thank the King of America, and all his servants, for their kind dispositions towards me. Situated as I am, you must still allow me to ask another expression of your friendship. You tell me that that in your treaty with Jussuff Bashaw, my perfidious brother, he has promised to restore to me my family. I pray you will use your influence with your Admiral to permit one of your vessels to go and ask for them, and that he will give me the means of repairing, with some small assistance to enable me to subsist myself and suite, into some country where I may hope to spend the residue of my days in peace.

Again I repeat to you my love and esteem, and I send honor and long life to your sovereign, which, may the merciful God confirm to him.

[*Hamet's Seal.*]

Done at Syracuse, the 29th day of June, 1805.

William Eaton to Commodore Rodgers.

SYRACUSE, *June* 30, 1805.

I have been, yesterday and to-day, occupied with the proceedings and records of the court of inquiry on Captain Bainbridge, which is the reason I did not wait on you, on board, yesterday morning.

Enclosed is a copy, by translation, of a letter Hamet Bashaw has written me, dated 29th. This, I think, is enough to do away any insinuations concerning our intercourse with this Prince, injurious to the honor of the United States. He tells me he shall write to the same effect to the President.

To-morrow morning, I will do myself the honor to wait on you with a statement of the pay due the troops who served with me through the desert of Derne.

Mr. Lear to the Secretary of State.

U. S. FRIGATE CONSTITUTION,
SYRACUSE HARBOR, *July* 5, 1805.

SIR: Since I had the honor of addressing you under date of the third of November, I have thought it my duty to remain in the vicinity of Tripoli, that I might be at hand for entering into a negotiation with the Bashaw, whenever he should give evidence of a disposition to do so on proper terms, and I accordingly took up my residence at Malta, being well assured that nothing would occur to make my presence necessary at Algiers during the winter, and knowing that the Dey was perfectly satisfied as to the cause of my extended absence from his dominions.

On the 28th of December, I received a letter from Don Gerardo Joseph de Tauza, the Spanish Consul at Tripoli, stating that, on the 17th of December, he had a private audience with the Bashaw of Tripoli, on the business of his nation, which being over, the Bashaw introduced the subject of this war with the United States, and expressed his willingness to conclude it, if the Americans were disposed to come forward on proper grounds. The Spanish Consul answered, that he presumed they would have no objection to finish the war upon honorable terms. There, he says, the subject was dropped; and he took the liberty of making this communication to me, having heard that I was in Malta—adding, as his own opinion, that, if I would come over to Tripoli in a flag of truce, he had no doubt but a peace might soon be concluded on honorable and satisfactory terms. As I had reason to believe that this communication was made to me with the knowledge, if not by the express desire of the Bashaw, I felt in no haste to reply to it, as I was persuaded that, if he then discovered a desire to terminate the business, he would be more anxious to do so when the season for active operations should approach. On the 28th of March, Commodore Barron sent a small vessel to Tripoli, with clothing, &c., for our captive countrymen; and by that occasion I acknowledged the receipt of the Spanish Consul's letter, and observed to him, that, as we had last year made several overtures to the Bashaw for peace, which had been rejected, he might be assured that we should never make the first advance again on that subject. But that, notwithstanding our force in this sea was very considerable, and would, at the proper season, act with decided vigor, yet, we should be ready to receive and consider any propositions which might come from the Bashaw before that season arrived, provided such propositions were compatible with the dignity and rising character of our nation, and tending to an honorable and permanent peace.

On the 21st of April, I received, by the return of the same vessel from Tripoli, another letter from the Spanish Consul, saying, that he had communicated to the Bashaw the contents of my letter of the 28th of March, who had directed him to inform me that, to show his disposition to end the war, he would make a proposition, viz: that the United States should pay him two hundred thousand dollars for peace and ransom, and deliver up to him, gratis, all his subjects in their power, and make restitution of the property taken from them. The Spanish Consul added, that he considered the propositions of the Bashaw rather intended to form the basis for opening a negotiation, than made with an expectation of being granted. At the same time, he mentioned the mode of communication which might be pursued, if I should think proper to come off Tripoli, with a view to opening a negotiation. These propositions were so completely inadmissible that, after communicating them to Commodore Barron, I thought no more of them, fully expecting further advances, either through the same or some other channel, as it evidently appeared to be the wish of the Bashaw to open a negotiation.

Between the time last mentioned and the 18th of May, there were intimations made, in various ways, of the disposition of the Bashaw to treat, but none in a direct or official manner. On that day, Commodore Barron wrote me the letter No. 1, to which, on the 19th, I returned the answer No. 2; and, on the 22d, he informed me he had relinquished the command of the squadron to Captain Rodgers. On the 24th, I embarked on board the United States frigate Essex, Captain James Barron, to proceed to Tripoli. On the 26th, in the morning, we saw the town of Tripoli, distant about ten miles, and, at the same time, the United States frigates Constitution and President

At ten o'clock, A. M., Captain Barron and myself went on board the former, when Captain Rodgers received the letter of Commodore Barron, relinquishing to him the command of the squadron, &c. He returned with us to the Essex, when we stood in for the town, and, within a short distance from the battery, hoisted the white flag, which was immediately answered by the same from the Bashaw's castle. In half an hour, a boat came off, with the Spanish Consul and an officer of the Bashaw. I informed the Spanish Consul that I had, agreeably to the desire of the Bashaw to treat, come for that purpose; but that the propositions which had been made through him (the Spanish Consul) were totally out of the question, and must be relinquished before I would consent to move one step in the business; and that, if I had not the most unequivocal evidence that they would be put aside in toto, I would not go on shore; and told him he had better return with my determination, and come off again the next day, if the Bashaw was desirous of having peace on terms which we could admit. He left the ship; and the wind, during the night, blew so heavily on shore that the ships were obliged to stand off, and were not able to come in near the town again until the 29th; when, at nine, A. M., the Spanish Consul came on board, bringing the tiscara or commission of the Bashaw to treat, on his part, on the principal points of accommodation. We now removed from the Essex to the Constitution. The Bashaw relinquished all pretensions to a payment for peace, or any future demand, of any nature whatever; but demanded the sum of one hundred and thirty thousand dollars for the ransom of our countrymen, and the delivery of his subjects gratis. To this I objected as strongly as to the first proposition; and, after some time spent in discussing the subject, I told the Spanish Consul that, to prevent unnecessary delay and altercation, I would give him in writing my *ultimatum*, which must be at once decided upon, viz: that there should be an exchange of prisoners, man for man, as far as they would go; that the Bashaw should send all the Americans in his power on board the squadron now off Tripoli; that his subjects should be brought over from Syracuse, and delivered to him with all convenient speed; and, as he had three hundred Americans, more or less, and we one hundred Tripolitans, more or less, I would engage to give him for the balance in his favor sixty thousand dollars; that a treaty of peace should be made upon honorable and mutually beneficial terms. With this, he went on shore in the evening, but apparently without any expectation of its being accepted.

On the 30th, at 11. A. M., the Spanish Consul came again on board the Constitution, and urged me very strongly to go on shore, where every thing, he said, should be satisfactorily arranged; but, as I had determined not to deviate from the ground I had taken, I declined, stating to him, that it now depended on the Bashaw to terminate the business by a single word, and that very little time more would be given for that purpose. He requested permission to send a letter on shore, to which he would await an answer; this was granted; and, on receiving an answer to his letter, he again urged my going on shore in the strongest terms. This I steadily refused to do. The wind increasing obliged the ship to stand off, and prevented the Spanish Consul from going on shore this night.

At 8, A. M., on the 31st of May, the Spanish Consul went on shore, promising to come off again in a few hours, with the Bashaw's answer. At noon, he came off, and said that the Bashaw had at length agreed to the sum of sixty thousand dollars for the balance of the prisoners; but that he could not think of delivering up the Americans until his subjects were ready to be delivered to him; and again urged me to go on shore. I told him, in one word, that the business had already been protracted beyond what I conceived to be a reasonable time; but, as the weather yesterday would not admit of our countrymen being sent on board, I would allow the Bashaw twenty-four hours from this time to agree to my propositions in toto, or reject them. He begged for further time, but without effect, and left the ship at 5, P. M.

At 11, A. M. June 1st, our unfortunate countryman, Captain Bainbridge, came on board, who had been permitted to come off, under the guaranty of the Danish Consul and Sidi Mahomet Dghies, the Minister of Foreign Affairs. He assured me that the Americans would not be delivered up until a Treaty of Peace should be made with the Bashaw, as peace was more his object than the sum he might get for the captives; and, as it was our intention to conclude a treaty, it would be cruel to let our countrymen languish in captivity, merely on the punctilio of negotiating the treaty before or after their delivery, as whatever related to them was already understood. I informed him of all which had passed between the Spanish Consul and myself, and told him that, as the Spanish Consul had come on board as the commissioner of the Bashaw, with his credentials, which he had delivered to me, I considered the business as now brought nearly to a close, and that a very short time remained for the Bashaw to make up his mind. However, as I should make no difference in the terms of the treaty, whether it should be drawn up before or after the delivery of the prisoners, I would enter into an immediate negotiation for that purpose with any proper character whom the Bashaw might send on board, duly authorized, but I would have nothing more to do with the Spanish Consul. But the Americans should be sent on board, without waiting the arrival of the Tripolines from Syracuse. Captain B. left us in the evening, and went on shore.

In the forenoon of the 2d of June, Mr. Nissen, His Danish Majesty's Consul at Tripoli, came off to the Constitution, bringing a commission from the Bashaw to negotiate with me on the articles of the treaty. As I had a sketch prepared, I communicated it to Mr. Nissen, who observed that there were some articles more favorable to the United States than were to be found in any treaty which the Bashaw had with any other nation;

yet he would take them on shore and submit them to the Bashaw. He did so, and returned on board again about 4 P. M., saying that the Bashaw had acceded to the articles, but was very desirous of having an article expressive of our determination to withdraw our forces, &c. from Derne, and that we should endeavor to persuade his brother to leave his dominions. To the first I could have no objection, as it would be a natural consequence of peace; but I insisted that, if his brother should leave his territory, he should have his wife and family restored to him. Mr. Nissen thought the latter clause would meet objection. However, he took it on shore.

In the morning of the 3d of June, Mr. Nissen came on board again, and declared that the Bashaw would not agree to deliver the wife and children of his brother. I adhered to that part of the article, and, after a little time, he went on shore, saying that, if the Bashaw still persisted in refusing that part of the article, the white flag should be hauled down on shore. When Mr. Nissen had left us, I told Commodore Rodgers, and Captain Smith, of the Vixen, who was on board, that, if the Bashaw should persist in his opposition to that article, I would not suffer the business to be broken off, and leave our countrymen in slavery, but would, at all hazards, take a boat and go on shore, if the white flag should be hauled down. At 4, P. M., Mr. Nissen came off again with the seal of the Bashaw to the preliminary articles; but with a condition that time should be allowed for the delivery of the wife and family of his brother. I consented to it, and we went on board the Vixen to stand into the harbor. When we were near the town, we fired a gun, and hauled down the white flag. A salute of twenty-one guns was fired from the batteries, and answered by the Constitution. I went into the harbor in the Constitution's barge, with the flag of the United States displayed, and was received at the landing place by the American officers, who had been in captivity, with a sensibility more easily to be conceived than described. An immense concourse of people crowded the shore, and filled the streets, all signifying their pleasure on the conclusion of the peace.

This, I believe, is the first instance where a peace has been concluded by any of the Barbary States on board a ship of war. I must here pay a tribute of justice to Commodore Rodgers, whose conduct, during the negotiation on board, was mixed with that manly firmness and evident wish to continue the war, if it could be done with propriety, while he displayed the magnanimity of an American, in declaring that we fought not for conquest, but to maintain our just rights and national dignity, as fully convinced the negotiators that we did not ask, but grant peace. You will pardon me if I here introduce a circumstance evincive of the spirit of our countrymen. At breakfast this morning, Commodore Rodgers observed that, if the Bashaw would consent to deliver up our countrymen without making peace, he would engage to give him two hundred thousand dollars instead of sixty thousand, and raise the difference between the two sums from the officers of the navy, who, he was perfectly assured, would contribute to it with the highest satisfaction.

In the evening I visited Sidi Mahomet Dghies, whom I found a sensible, liberal, and well-informed man. He is a great friend of ours, and has always been opposed to the war with us.

On the 4th of June, at 11, A. M., the flag-staff was raised on the American house, and the flag of the United States displayed, which was immediately saluted with twenty-one guns from the castle and forts, and returned by the Constitution, and all our unfortunate countrymen sent off on board their ships. At noon I had an audience of the Bashaw, by appointment, and was received with every mark of respect and attention. He paid me many compliments, and expressed himself on the peace with much manliness. He is a man of very good presence, manly and dignified, and has not, in his appearance, so much of the tyrant as he has been represented to be. His court was much more superb than that of Algiers. We spoke but little on the subject of the treaty, &c. He observed that he had given stronger evidences of his confidence in us than he had ever before given to any nation. He had delivered our people before he had received his own; and, as to the money he was to receive, it was merely nominal—the sum was nothing—but it was impossible to deliver them without something. The other articles of the treaty I might form as I pleased; being convinced I would not insert anything which was not just. I returned his compliments, and assured him he would find our nation as just as he had found them brave and persevering.

On the 6th of June, the Constitution sailed for Malta and Syracuse, to return to Tripoli with the money and the Tripoline prisoners. The Constellation sailed also for Derne, to bring off the few of our countrymen who might be there. I remained at Tripoli till the return of the Constitution, to establish an agent and make a final settlement of our business there. Dr. John Ridgely, of Maryland, late surgeon of the Philadelphia, was strongly recommended as a proper person to reside at Tripoli till the pleasure of the President was known, and I accordingly appointed him, as will be seen by the enclosed power and letter of instructions.

On the 10th, I sent to the Bashaw two copies of the treaty, with translations in the Arabic language, to be signed by him and his divan. He requested me to attend the divan and see the form of business there; and as this is a favor never before granted to a Christian, he gave it as an evidence of his respect, &c. I accordingly attended, and was seated on the same seat with the Bashaw, on his right hand. Great order and solemnity were observed. I presented the treaty to the Bashaw, who delivered it to his first secretary to read article by article. Some observations and short debates took place on several of the articles, but the Bashaw appeared to explain them satisfactorily After the whole was read, the form of its presentation and acceptance was written by the secreta ry, and the seals of the Bashaw and members of the divan affixed to the two copies: one of which the Bashaw delivered to me in a solemn manner, and with many expressions of friendship. [He speaks good Italian.]

On the 17th the Constitution arrived, but the wind was too high to admit of her landing the Tripolines or money; on the 18th, both were sent on shore; but instead of one hundred Tripolines, there were only forty-eight, and forty-one blacks. Seven had been carried to the United States by Commodore Preble, and I could never obtain an accurate account of the whole number. I had the Bashaw's tiscara respecting those who had been taken by Commodore Dale, which had been left in the hands of Mr. Nissen, which I found expressed twenty-one Tripolines and Turks, for whom and their goods seven Americans were to have been delivered. I was, therefore, obliged to make it appear that the blacks were his subjects, and were to be included in the exchange. I found no difficulty in the case, though I am sure he was not convinced of the propriety of it. Those in the United States, I assured him, would be returned by the first opportunity. The sixty thousand dollars were paid, and a receipt therefor given on the treaty left with Dr. Ridgely, and a duplicate therefor, which is enclosed. No consular present is mentioned in the treaty; but that, it is understood, will be given, as usual with all nations, when a consul shall be sent; it does not exceed six hundred dollars, and the particulars I shall send in my next, as I shall also my accounts, which cannot yet be adjusted, as our quarantine at Malta did not admit of my having that communication with Mr. Higgins, which was necessary for settling, as I had given him bills on the house of Sir Francis Baring and Company in London, for the money sent to Tripoli, &c.

On the 20th Commodore Rodgers came on shore, and had an audience with the Bashaw, where the assurances of friendship, &c., were repeated by the Bashaw.

On the 21st, in the evening, we sailed for Malta and Syracuse, arrived at the former on the morning of the 24th, where we remained two days, and sailed for this place.

I shall, in a future letter, give a more particular account of Tripoli, &c. At present, I confine myself to the subject of the negotiation and treaty. As I have always been opposed to the Egyptian and Derne expedition, I shall say nothing on that subject, especially as, I presume, there will be full communications respecting it from other quarters.

On the 5th of March last, we were indebted to Algiers for one year's annuity, deducting the cargo of timber, &c., which had been sent. I had learned that they were in great want of wheat at that place, and it struck me that, if a cargo of that article was sent to them on account of our annuity, it would be received with gratitude, and be a great saving to the United States; I, therefore, purchased a cargo of about twelve thousand bushels at Malta, which cost, with charges, about thirty-two thousand dollars, and sent it to Algiers, with a proper letter on the occasion; and I am happy to inform that it arrived in good time, and in fine order, and was more valuable, as it relates to the United States, than a cargo of money would have been at that time. It was received, as intended, as a proof of friendship, and an evidence of good faith; and will settle our accounts for one year at least.

As our force in this sea is now so respectable, Commodore Rodgers has determined to go to Tunis, not to defy the Bey to war, but to have all differences with that Regency settled on a basis that will insure us future tranquillity from that Power, and place our national honor on a permanent ground. The Bey has lately been threatening us very hard, but I presume he will now be as submissive as he has been presumptuous. I shall go with him to that place on my way to Algiers, and, notwithstanding what Mr. Davis says of the Bey's resolution not to discuss the affairs of the United States, with any other person but himself, I am persuaded I shall find no difficulty in convincing him that the President of the United States will choose whomsoever he may think proper to settle our national affairs, provided there be no well grounded personal objections to the man.

With sentiments of the highest respect and consideration, I have the honor to be, &c.

TOBIAS LEAR.

Hon JAMES MADISON, *Sec'ry of State.*

William Eaton to the Secretary of the Navy.

SYRACUSE, *July* 6, 1805.

SIR: I have the honor to enclose herewith copies of my communications to the commodores since I left Egypt: by the next occasion, I shall give the correspondence.

I cannot but think our pacification has been too much precipitated. Was it contemplated that so formidable a squadron should be sent into this sea to negotiate, without showing itself before the enemy's port? Such is the fact! If it had only appeared off the place, I have no doubt the effect would have been a peace without money. If it had gone into a vigorous co-operation, Joseph Bashaw must have resigned at discretion, or saved himself by flight; he was calculating more on this than on defence. But we have peace!

The whole expense of my expedition amounts, in cash, to thirty-nine thousand one hundred and eight dollars and fifty-eight cents, payment of troops included. As soon as I can effect a full settlement, my accounts will be transmitted. It will be necessary for me to negotiate bills on your department, in order to enable me to do this, to the amount of seventeen thousand, eighty-two dollars, and fifty-eight cents.

I learn that our Consul at Gibraltar, Mr. Gavino, intends resigning. George Dyson, Esq., who was appointed Navy agent here by Commodore Preble, and who has discharged the duties of that office with activity and truth, I am persuaded, would be glad to transfer his concerns to Gibraltar, if the Consulate there might be conferred on him. It is believed no man would acquit himself in that trust more to the satisfaction of Government; perhaps none has better deserved it. Commodore Preble would, I think, say as much. I have the honor to be, &c.

WILLIAM EATON.

Hon. SECRETARY OF THE NAVY.

To the People of the United States of America.

SYRACUSE, *Sept.* 1, 1805.

It is known to the whole world that the reigning Bashaw of Tripoli, Jussuf, obtained the throne by the murder of our father and elder brother, and by my exile, who came next in succession. Driven by his impious and cruel usurpation, I took refuge in Egypt, where I was kindly received by the Mameluke Beys, who gave me a distinguished rank in the military service. Reposing in the security of peace, I had ceased to repine for the loss of my throne, and regretted only the lot of my unhappy subjects, doomed to the yoke of my cruel and tyrannical brother.

It was at this epoch that the arrival of General Eaton gave me hopes of better fortune; and although I could not tell what were his powers, I trusted to the faith of a great people, of whom he was the ostensible representative, and threw myself into his arms. We concluded a treaty at Alexandria, a copy of which is among the papers of Commodore Barron, in the custody of his Secretary Mr. Robert Dennison. This treaty not only stipulates the recovery of the throne for me, but also includes several advantageous articles for the United States, for which General Eaton will be my voucher. Ought I, then, to suppose that the engagements of an American agent would be disputed by his constituent Government? I cannot suppose that a gentleman has pledged towards me the honor of his country on purpose to deceive me.

General Eaton and myself, with our joint followers, had already advanced six hundred miles into the kingdom of Tripoli, and a general defection had seized my brother's army, and all things prepared the protected of America to be hailed sovereign of his usurped throne. At this juncture a peace is concluded, in which a throne, acquired by rapine and murder, is guarantied to its usurper, and I, the rightful sovereign, the friend and ally of America, am left unprovided for. No article in my favor, no provision for me and my family, and no remuneration for the advantages I had foregone in trusting to American honor. I am left in Syracuse with thirty dependents, on the pittance of two hundred dollars per month, and no prospect of future establishment. What with the expenses of my retinue, &c., I, a sovereign Prince, am now reduced to the pension of one dollar and fifty cents per day.

I must here observe that Mr. Eaton, whose generosity I cannot sufficiently praise, has assisted me from his own finances, else hard indeed had been my lot.

When the prevalence of ages has accustomed men to the government of one, the right of a throne enters into the system of human thoughts, and that usage must have its rights like others.

In this situation I appeal to the virtue, generosity, and candor of the people and Government of America. I trust that a brave and free nation will interest itself in behalf of a fallen Prince, who has trusted to its national honor and good faith. I trust the Government will take my case into consideration, and at least send me back to Egypt, indemnified for those comforts lost by uniting my fortune to theirs; and I am confident the American people will feel for the misfortunes of one, who has fought in the united cause of their interest, and his own right.

HAMET BASHAW,

Son of Ali Bashaw Caramalli, of Tripoli.

Mr. Eaton to the Secretary of the Navy.

WASHINGTON CITY, *Dec.* 5, 1805.

SIR: Commodore Barron's instructions to Capt. Hull, of September 15, 1804, and my convention with Hamet Bashaw, of February 23, 1805, comprise all the obligations entered into with Hamet, copies of both which are in the offices, as are also the correspondences resulting therefrom. By perusing the Bashaw's letters from Syracuse, and by reviewing the transactions to which they refer, I cannot find that any additional observations of mine can throw more light on our transactions. It is impossible for me to undertake to say that the Bashaw has not been deceived. Nor can I, by any shape in which the subject can be viewed, reconcile the manner of his being abandoned with those principles of national justice and honor which have hitherto marked our character. The term *co-operation*, I always considered so nearly synonymous with *alliance*, that it would require the nicest distinction of diplomatic skill to discriminate the meaning, and hence supposed that an engagement to co-operate with Hamet Bashaw excluded the idea of using him as an instrument. This construction was the more readily admitted in this case, because until after we had proceeded far in the co-operation, I never heard a syllable of peace, neither from the President, nor from yourself, nor from the Commander-in-chief, which did not look forward beyond an effort to chastise the enemy, and because I always felt a confidence, that such an effort, well conducted, would dethrone him. I really can offer no explanations on the subject, which are not to be found in my official communications, except a circumstance that I am aware modesty should conceal, but which was calculated, at all events, to save the honor and the interests of the United States harmless. On entering the ground of war with Hamet Bashaw, Mr. O'Bannon and myself united in a resolution to perish with him before the walls of Tripoli, or to triumph with him within those walls. In the former event we should have acquitted our duty; in the latter, glorified our country. We were supported by similar resolutions on the part of commanders in the squadron, and to encourage Hamet Bashaw to perseverance, and in order to move understandingly with him, I induced the convention with him, which has been made the base of our treaty with his rival.

I have the honor to be, &c.

WILLIAM EATON.

Letter from Achmet Bashaw to the President of the United States.

SYRACUSE, *Aug.* 5, 1805.

SIR: For nearly eleven years I have been laboring under the weight of misfortune; but, notwithstanding which, my distress was never equal to that which the actual combination of circumstances has made it.

My residence was near Cairo, when there arrived in Alexandria a brig commanded by Captain Hull, in company with General Eaton, who came recommended to Mr. Briggs, His Britannic Majesty's Consul, and inquired of him where I could be found. My place of abode being made known, a courier was despatched for Cairo, by order of the General, and on his arrival at Razid, a second one, which came to Cairo, directed to the house of Tursuf Bashaw, an officer of the Ottoman Porte, who received a letter, in which he was requested to suffer me to pass without interruption, in order that I might co-operate with the Americans to take Tripoli. These things being communicated to me, caused me to reflect seriously whether they could be true or not. All doubts were dissipated by General Eaton meeting in Cairo my secretary, named Mahumed Mezaluna, to whom he consigned another paper, and, in company with two Maltese, arrived at Said, my place of residence, and delivered to me a despatch, urging me to leave that place immediately, in order that we might have a meeting (as really happened) in the city of Damintur, where the General was made known to me as one who had been sent thither by your Excellency for the conquest of the kingdom of Tripoli. I engaged to go with him to Syracuse, and also to keep myself secret, from which circumstance I was necessarily compelled to abandon all I possessed, and thus lose my horses, camels, &c. Previous to my leaving Damintur, General Eaton assured me that the peace would never be made, unless I was placed in my own seat (throne) and often swore by himself, that we would never take me from where I was for the sole purpose of making the conquest.

I did not, however, fail to suggest to the General, that in case Jussuf Bashaw should actually remain conqueror, what part he would take in my favor, as I should not be able to remain any longer in the Turkish dominions. I was answered, that if the combinations of war should prove favorable to Jussuf Bashaw, a pension would be granted me sufficient to maintain my family and suite; the people and money demanded by me, to effect this object. (for such a movement,) were ready; and that I had better expedite my secretary to Captain Hull, to inform him that the General had come to conduct me from Upper Egypt to Syracuse, but that I could not trust myself at sea in the manner he had. My envoy having executed his commission, arrived first in Syracuse, and afterwards in Malta, in consequence of the absence of Captain Hull from the first, (place,) and whom he afterwards found in the second place, (Malta,) and executed his embassy: he was answered by the same (Hull) that everything I could possibly want was ready, and in fact, there was sent me a vessel, laden with supplies and provisions, accompanied by the brig commanded by Captain Hull, which arrived at Bomba, delivering to the General and myself a despatch (to him directed) from the Commodore, in which he renders Hull responsible for everything I might want. I then asked for cannon, powder, and other warlike supplies, and was answered that a frigate was hourly expected, and that they would be sent to me. I afterwards left Bomba, in company with General Eaton, and we pursued our route towards Derne, arriving near it in twelve hours. Such a voyage made me extremely happy, as well as all my people, while the manner in which we were treated by the General excited universal admiration; his dignified soul (conduct) merits applause. We were scarcely on the twelfth hour of our voyage, when we saw a schooner, which brought us two pieces of cannon, and nothing more. After an attack of two hours, in which all the troops applaud and admire the courage of General Eaton, Derne was taken, (as the people of that country were much in our favor,) and in which attack the General was wounded in the hand.

After the capture of the city, we received from the chiefs of the brigands, letters offering to join us. After ten days a troop of cavalry and infantry (of the enemy) advanced; they were twice broken and put to flight by us. We now asked from the schooner, which had been sent us, people and arms, while there remained a respite and peace, and were waiting an answer respecting our demand for people and arms, in order that we might go and take Bergaza and Tripoli; in the meantime arrived a frigate, which we supposed had brought us people, but she landed a Turkish Ambassador from Jussuf Bashaw, who informed the General of the alliance of Jussuf Bashaw with your Excellency, saying that the said Bashaw would restore my family, and that your Excellency would give me, in the name of the United States, a pension. The same evening of the arrival of the frigate, the General informed me that I must embark with all my people; and thus was again compelled to abandon all I possessed—the General having prevented the Turkish Ambassador from landing, and thus we parted for Syracuse, where we found the whole squadron.

I daily expected my family, when finally I was told that he (the Bashaw) would not let them go. Having thus broken his word, I demanded of the General to be replaced in my own country, which was also denied me, saying that he had no orders to that effect from your Excellency, and it is thus I find myself in this country, with the small pension of two hundred dollars per month, and on which sum I am to support myself with a number of people. Such a state of things makes me feel that the weight of misfortune has only increased, and, for the first time, am completely abandoned, and by a great nation. I therefore fling myself on the mercy of your Excellency, who, under the influence of just laws, will not fail to render me that justice which oppression and misfortune entitle me to.

With the hope of an early reply from your Excellency, I remain, &c.

ACHMET BASHAW,
Son of Ali Bashaw, &c.

Commodore John Rodgers to Samuel Barron, Esq.
[Received at Malta, June 2.]

CONSTITUTION, OFF TRIPOLI,
May 28, 1805.

SIR: On the 26th instant, by the Essex, Capt. James Barron, I had the honor to receive your letter bearing date 22d instant, with the accompanying letters, resigning the command of the United States squadron in these seas into my hands. The task which your unavoidable indisposition has consequently imposed on me, is a commission which I accept with a diffidence no less conspicuous than its consequence is repugnant to your zeal and patriotism; and, sir, while I commiserate your truly unpleasant situation, be assured that nothing will afford me more real satisfaction than such a restoration of your health as will authorize your re-assuming a command which devolved on me by mere accident.

A few hours after the arrival of the Essex here, she stretched close in shore, and made the signal indicative of her mission, which was immediately answered by the Bashaw on his castle, in a manner expressive of his unfeigned approbation; and in an hour after the Spanish Consul came on board by the Bashaw's order to make the suitable arrangements with Colonel Lear, previous to the opening of the negotiation, and to his going on shore; when from the favorable representation by the Spanish Consul of the Bashaw's propitious disposition to peace, Colonel Lear resolved and had made arrangements for waiting on the Bashaw to commence his functions the next morning, but the weather has been so unsettled as to prevent further intercourse until this day.

From the same to the same.

MAY 29, 1805.

The arrival of the Vixen yesterday affords me the honor of acknowledging the receipt of your letter of the 25th instant, with the accompanying communications from Mr. Eaton, Mr. Davis, and Captain Hull, and happily before Colonel Lear had landed or touched even on the negotiation. Mr. Davis's communications contain information of importance, and their timely arrival will, I sanguinely flatter myself, enable Colonel Lear, (on whose judgment I have the fullest confidence) to assume an independence in negotiation, which it is equally his own and his country's honor and interest to observe. From the relation by Capt. Barron and Colonel Lear, of your last instructions to Mr. Eaton, I conceive it unnecessary for me to say anything further on that subject, as he has no doubt evacuated Derne, and is now on his return in the Argus to Syracuse or Malta; and as Col. Lear is of opinion with myself, that Mr. Davis's communications do not require an immediate answer, particularly as the negotiation is already opened with Tripoli, and personally with the Bashaw. So soon as the event, whatever it may be, is known, I shall despatch the Vixen to Malta to give you the intelligence, and if unfavorable to Captain Barron, to prepare our forces to compel the monster to a sense of reason. Although it is evident that the Bey of Tunis is afraid of the consequences of a war with the United States, yet, at this critical moment, I conceive it necessary that he should not be neglected; therefore, as soon as one of the vessels from this can be spared, I shall send her with advices to Mr. Davis, corroborating and seconding the steps you have already taken with that Regency, as it is my determination to respect the lawful rights of that gentleman with as much delicacy as I am resolved to pursue pacific measures no further than his conduct will authorize. A peace with this Regency will enable us to represent to him our opinion of his treachery in such language as he best understands.

From the same to the same.

MAY 30, 1805.

Yesterday the Spanish Consul returned on board again, empowered by the Bashaw to negotiate a peace, and although it appeared by his credentials that he was completely authorized to conclude a final settlement of differences with Colonel Lear, previous to his going on shore, yet he did not think Colonel Lear's propositions admissible, and, in consequence, returned on shore last evening to consult the Bashaw further on the business.

The Spanish Consul has this moment (10 A. M.) returned on board again, and says that the Bashaw is not satisfied with the propositions that have been made. How things will turn out is yet uncertain. Captain Barron will be able to give you the particulars. I have the honor, &c.

From the same to the same.

CONSTITUTION, OFF TRIPOLI, *June* 3, 1805.

SIR: By the sperronara you despatched from Malta, I have this instant received duplicates of the Government despatches you forwarded by the Nautilus, with Mr. Simpson's representations relative to our affairs with Morocco. I shall be at Malta in the course of three or four days after this reaches you, and in time, I hope, to send a force to Morocco to meet Mr. Simpson's wishes. The business is so far finished that a flag-staff is making on board the Constitution to display the American flag on the Consular house.

From the same to the same.

JUNE 3, 1805.

SIR: In all probability peace will be concluded with Tripoli to-morrow, in which case it is likely the prisoners will be on board the squadron to-morrow morning. Colonel Lear, who has not yet been on shore, goes to-morrow for the purpose of concluding matters. Captain Bainbridge, on parole, was on board the Constitution yesterday; he desires to be affectionately remembered to you and your brother.

The Bashaw is much humiliated, which he now himself confesses; and I think I can venture to say that it is the last war that this Regency will ever wage against the United States. None of the Philadelphia's officers have died—they are all well. This will be pleasing news to their friends.

In haste, I have the honor to be, &c.

General Eaton to Commodore Barron.

Derne, *May* 29, 1805.

Sir: Since the departure of the Nautilus with my despatches of the 17th, the enemy have daily showed themselves in a menacing posture near us, but they have not come to a general action. Yesterday a detachment of about fifty or sixty of their foot, covered by a troop of horse, descended the mountain, by a ravine, fell upon some of our Arab families, who were encamped in the rear of the town, and drove off several cattle and camels. The Bashaw's people pursued and attacked them under the mountain, killed and wounded three of them, and recovered their cattle. I marched out with Lieutenant O'Bannon, Mr. Mann, and Mr. Farquhar, and thirty rank and file, Americans and Greeks, from the garrison, and took a ravine on the left with a view of cutting of their retreat. We fell in with them soon after ascending the mountain; they opposed to us a short resistance, but fled before a charge of bayonet. We pursued them within a short distance of their camp, killed their captain and five men, wounded a number, and took two prisoners, without receiving any injury ourselves. The camp beat to arms, mounted and moved towards us in a body, but did not come within musket shot. They could not ascertain our number, and apprehending we were an advanced party aiming to draw them into an ambuscade on disadvantageous ground, formed in order of battle and kept their post, while we retired down the mountain. The enemy swore vengeance, and resolved to execute it to-day. About nine in the morning they advanced their whole force, and posted themselves on an eminence in fair view; proper stations were taken on our part to receive them; they reconnoitered us awhile, but when orders were given to attack, their Arabs mutinied, and retrograded, and the Beys were compelled to follow with their Tripolitans.

June 2.

To-day the enemy brought themselves to a resolution to attack. They had previously forced the Arabs into oaths of fidelity, by seizing and chaining hostages from their most considerable families; but their movements this day terminated exactly as on the 29th—the Beys attempted to force the Arabs forward; they resisted, and alleged, as on similar occasions, that they were willing to fight an enemy of their own mode of warfare, but they could not resist the Americans, who fired enormous balls that carried away a man and his camel at once, or rushed on them with bayonets, without giving them time to load their muskets.

Last evening I had the honor to receive your letter of the 19th ultimo by which I learn that the reigning Bashaw of Tripoli has lately made overtures of peace, which the Consul General, Colonel Lear, has determined to meet, viewing the present moment propitious to such a step. In consequence of which it seems contemplated that we should withdraw ourselves from this coast.

It was an event anticipated in my letter of the 1st ultimo, that the reigning Bashaw would seize the moment, when he should apprehend himself seriously in danger from his brother, to rid himself of this rival by detaching from him our succor through overtures of peace. Facts establish the correctness of this conjecture.

That the inhabitants of Tripoli are weary of the war is well ascertained. That they secretly desire the restoration of their legitimate sovereign, because they believe him peaceably inclined, transpires through various indubitable channels; and that the Moors and Arabs of the kingdom, who form its entire population, are generally in a revolutionary state, is equally true. Joseph Bashaw is not ignorant of these dispositions. As early as the month of January last, he was, according to the Danish Consul, very attentive upon our transactions with his brother in Alexandria. On the 19th ultimo, late overtures had intimated to the Consul General his inclination towards a pacification; we had then been seventy-six days from Alexandria—thirty-five as far forward as Bomba, and twenty-one in possession of this place. Of these movements and operations, intercepted letters by way of Mensurat and Bengazi, prove to us the enemy were not uninformed. It is now nineteen days since his forces were beaten on this ground, and since that, detached parties surprised and routed. There are also events which cannot be easily concealed; it does not appear that the season has hitherto permitted any formidable display of our naval force before Tripoli. It cannot be unfair, therefore, to infer, that the pacific overtures of the reigning Bashaw are influenced in a great measure by apprehensions of his brother's approach. Yet it seems not to be admitted that we have any obligations towards Hamet Bashaw; but if such is the effect of the enemy's apprehension from this quarter, who certainly knows how to compare the relative influence of the parties, the calculations we have formed of the ultimate result of an effectual co-operation should no longer seem visionary. I do believe it was in the contemplation of Government to have profited of this advantageous circumstance, as instrumental to chastise a perfidious foe, rather than sacrifice a credulous friend. I know it was the general wish, and indeed the expectation of our country, that the enemy should be chastised. How far this wish and expectation will be satisfied from the arrangements now in operation, time and events must determine. But I cannot, from any shape in which the subject can be viewed, be persuaded that the manner of serving ourselves of Hamet Bashaw, and abandoning him, can be reconciled to those principles of honor and justice which, I know, actuate the national breast. It seems enough to cancel every pledge that we have brought him back to the post from which he had been driven. It ought to be taken into consideration that this is no other than the post from whence he was always asked supplies; and that, consequently, setting him down here, just as he was, can render him no essential service; but that, to abandon him here under actual circumstances, where famine and the ravages of the enemy's forces have exhausted the resources of the province, and while those forces are still in our vicinity, cannot but leave him in a more hopeless situation, than when he left the place. And here is an additional reason why his means are not materially altered for the better. He was driven away on account of his intercourse with the enemies of his rival. He has been induced to return under an expectation of receiving aids from the United States, to prosecute his views of recovering his throne. I thought myself authorized, from the assurances given me by the Secretary of the Navy, to encourage him with the prospect of receiving those aids, and frequent expressions of your resolution to make an example of Tripoli. The ensuing summer fortified me in the confidence that the exercise of my discretion here in the manner I have done would eventually, if not directly, assist the accomplishment of those objects. The resistance we met at this place is said to have discouraged the expectation formed of the co-operation in view. This resistance would undoubtedly have been less obstinate, had not the vicinity of the enemy's camp in some measure inspired, or at least encouraged it. But it might have been expected that the Governor of Joseph Bashaw, who, twenty months ago, with forces from Tripoli, drove Hamet Bashaw from the post, and who still held possession, would oppose his return by all the means in his power.

Want of qualities essential in the character of a commander and a prince is stated as a serious obstacle to the advancement of his cause. We do not hitherto find that the enemy possesses those qualities in so eminent a degree as to justify a comparison to the prejudice of his rival. It must be admitted that the latter possesses the capacity of commanding respect, and conciliating affection among his subjects. And I have had good reasons to correct the unfavorable opinion at one time entertained of his military enterprise; yet he is not a general; I never knew but one Turk who, I thought, deserved that character. I am not alone in the opinion; it is general among the gentlemen who have acted with me, that Hamet Bashaw possesses talents sufficient to our purpose. As evidence of this, every one of them is not only willing, but solicitous to pursue the expedition.

With such aids as I have mentioned to be thought requisite, we could at once break up the enemy's camp in our front, and open our way, without further considerable impediments, to the gates of Tripoli. The enemy is aware of this, and is endeavoring to out-general us; his camp is abroad; of course his defence is weakened at the capital. The total defeat of his forces here would be a fatal blow to his interests. To recall them would be to abandon the provinces of Derne and Bengazi. But to remove the enemy near him by pacification, he may safely turn all his resources against his rival: and, when once relieved from this danger, we shall again undoubtedly have experience of his respect to treaty.

I am suspicious that the Spanish Consul has an influence in Joseph Bashaw's measures. If my recollection serves me, he was accused by our late Consul, Mr. Cathcart, of advising the war. I recollect perfectly well hearing him assert, at Tunis, in December, 1801, that the Americans miscalculated if they thought of forcing a peace without paying for it. National shame, perhaps interest, and individual pride, engaged him to favor such an issue of the war. He is said to be the confidential man of the Bashaw.

I am afraid one important consideration has been overlooked in the arrangements lately adopted by Mr. Lear—the danger of falling back to an irrecoverable distance, in case of the failure of the negotiation commenced by him, and at the same time the abandonment of the advantageous ground we hold here—it would certainly have a tendency to unite the kingdom of Tripoli against us, and possibly to encourage the whole coast of Barbary to aggression; or, should it transpire that the evacuation of this post had been recommended, it would certainly have an unfavorable influence on the pending negotiation.

Another consideration is involved, which cannot but wound the pride of military principles. We must strike the flag of our country here in the presence of an enemy who have not merited the triumph, and yield to them the honor of a victory, which no encounter hitherto has given them a right to claim, nor reason to expect; certainly they, and perhaps the world, will place an unjust construction on this retreat; at any rate it is a retreat, and a retreat of Americans! If individual feeling were alone to be consulted in this situation, it would prefer a manly defeat to this mode of safety. The consequences to the national character would be more honorable.

The burden of expense, which must accrue from pursuing the co-operation, seems an insurmountable obstacle. I am apprehensive that the ultimate expense of maintaining a peace with Joseph Bashaw will be more burdensome to the United States than that accruing from this co-operation; besides, it is calculated that this expense will be reimbursed.

It is insinuated that the Consul General is opposed to the measure. It is possible that he may have better information from whence to form an opinion of its issue than we who have thus far accompanied the expedition; but it is not probable. Has he any agency in the war?

I cannot but indulge the hope that additional instructions from Government will arrive in season, to enable you to furnish the means of prosecuting the co-operation to effect, of chastising the temerity of our enemy, and of preventing the melancholy and disagreeable events which present appearances threaten. You would weep, sir, were you on the spot to witness the unbounded confidence placed in the American character here, and to reflect that this confidence must shortly sink into contempt and immortal hatred. You would feel that this confidence, at any price, should be carried through the Barbary Regencies, at least to Tripoli, by the same means that it has been inspired here. But if no further aids come to our assistance, and we are compelled to leave the place under its actual circumstances, humanity itself must weep. The whole city of Derne, together with numerous families of Arabs, who attached themselves to Hamet Bashaw, and who resisted Joseph's troops in expectation of succor from us, must be abandoned to their fate; havoc and slaughter will be the inevitable consequence. Not a soul of them can escape the savage vengeance of the enemy. In proceeding, therefore, thus far and no further, instead of lending aids to the unfortunate people, whom we used as allies, and of whose situation we are actually profiting, to our own exclusive benefit, we involve them in destruction. Could I have apprehended this result of my exertions, certainly no consideration would have prevailed on me to have taken an agency in a tragedy so manifestly fraught with intrigue, so wounding to humane feelings, and, as I must view it, so degrading to our national honor.

It is impossible, though enjoined on me, to say anything further of the squadron co-operating with Hamet Bashaw, after having been officially informed that a negotiation is opened with his brother, without so far having considered his situation as to have agreed on a cessation of arms. The delusion is already carried too far. If it had not been our intention to support him, or at least to save him, both honor and religion should have forbidden any encouragement to, or use of him.

It is said that some provisions will be attempted in his favor, in our peace stipulations; this is, however, to be left to convenience. But before this provision be definitely arranged, if at all, and information of it received here, no armistice being agreed to, both himself and adherents may be cut in pieces by the enemy's army here, and by such of his own party as disappointment and rage will carry over to them.

Viewing the present posture of affairs, either as relative to our national honor and interests, or the situation of the Bashaw and people here, I consider it due to the confidence of Government, and a bond imposed by all the injunctions of humanity, to endeavor to hold this post till the last moment, in hopes that some happy occurrence may take place to secure our own, at the same time, to assist the interests of our friends. And I most devoutly pray Heaven, that the blood of innocence may not stain the footsteps of us, who have aimed only to fight the enemies of our country.

June 3.

The enemy feinted another attack to-day, by sending a detachment on the back of the town, which was repelled with loss. Their object seemed to aim at ascertaining the disposition of the inhabitants of the place. These turned out to a man in view of them. Their main body halted at a safe distance; and, after some manœuvring, retired to their camp. During the alarm a detachment from the garrison, under command of Lieutenant O'Bannon, passed through town; everybody, age and childhood, even women from their recluses, shouted "Live the Americans! Long live our friends and protectors!" Hapless beings! if they could descry the reverse that probably awaits them, how justly would their acclamations of confidence be turned to execration!

June 5.

This morning a spy, a religious chief, whom I had employed to watch the enemy's motions, and who last night slept in their camp, reports that a courier arrived yesterday, eleven days from Tripoli, with despatches from the reigning Bashaw to his commander-in-chief in this vicinity, stating his intentions of concluding a peace with the United States, which he was resolved to carry into effect even if he sold his wardrobe: after which he should know how to dispose of his internal enemies. He enjoined it on his commander to hold his position before this town, if possible, till the issue of this project of peace should be known. The Mirabout chief added, that the Beys had it in contemplation to propose an armistice to me; I shall meet such an overture, if it should be offered, until I receive further advice from headquarters.

Eleven o'clock, A. M. this morning came in two deserters from the enemy's camp, both Levant Turks, Ismien and Mahamet, a choux and a cheriff, corresponding with the rank of aid-de-camp and ensign, who confirm the information before stated; and add that the Beys cannot prevail on their troops to attack this place, under our batteries and guns of the shipping; but that they calculate on sacking the city the moment we evacuate our posts. Their officers put themselves under the protection of the American flag, giving this reason for their preference, that "they wished to get out of the kingdom of Tripoli, and thought this a favorable occasion." They say Joseph Bashaw has about two hundred soldiers in Tripoli, in whom he can place confidence, and three or four hundred others who are undisciplined and suspected. They declare that the people, in general, of the kingdom, expect with solicitude and impatience the approach of Hamet Bashaw, as they think him a good man, and are weary of the madness and violence of his brother.

Five o'clock, P. M. this afternoon an Arabic chief, Ab'd'el Selim, with a party of warriors, came over to us. He brings a message from the principal Arab chief at camp, that he will come over to the Bashaw with his cavalry, amounting to about one hundred and fifty, if he can have assurances that the Americans will not abandon him, in which case Joseph Bashaw would devour his family and lands. This chief asserts that the Bey of Bengazi, who is with the camp, is well disposed towards us; and only waits the arrival of our supplies to declare himself. Be assured, sir, we only want cash and a few marines to proceed to Tripoli, and to meet you in the citidel of that piratical kennel for the liberation of our captives. It would only occasion a delay of their release a few months. Their triumph will amply compensate this delay.

It is thought proper to despatch the Hornet with these communications, and hold ground here until your answer can be received.

June 9.

Day before yesterday, Hadge Ismein Bey, the second in command of the enemy's army here, deserted with a few attendants and camels, took off the military chest, and entered the desert for Upper Egypt. This defection is said to have been caused by his being charged with bad generalship in the affair of the 13th ultimo. He commanded the cavalry.

June 11.

Yesterday morning the enemy having received fresh reinforcements of Arabs, appeared in great numbers on the heights which overlook the town, and moved along the site of the mountain for the space of two or three miles, apparently in search of some avenue to descend without being exposed to our cannon; but seemed irresolute. An accident brought on an engagement. The declivity of the mountain is a steep and uneven ledge of rocks, with only one pass where cavalry can move down, and this about two miles and a half from town. The plain below, bordering on the sea about one mile in depth, is calcareous rock, and red earth, very much broken: in many places of which the brig's brass twelves could take effect, in others impeded by ridges near the shore. About half way between the town and the pass of the mountain, the Bashaw had posted a few cavalry to serve as videts. A detachment of the enemy, of superior numbers, descended the pass, with a view of cutting off this post, but they were manfully resisted and repelled. Reinforcements of small parties joined, and continued to join, on one side and the other, until about two o'clock, when the action became general. We were little more than spectators of the scene. The Argus, as often as the enemy were uncovered from the ridges, galled them with her shot from her long twelves, (the twenty-four pound carronades could not reach,) and we occasionally brought one of our field pieces to bear on them from our advanced battery. But the fire of the Hornet was lost, by reason of her being too near the shore, the high bluff of which covered the enemy. Captain Hull, who had the fairest opportunity of ascertaining it, judges there were five thousand men on the field. The engagement lasted four hours. Though frequently charged, the Bashaw lost not an inch of ground. At length the enemy gave way, and were pursued quite to the pass of the mountain, where a regard to safety compelled many of them to quit their horses, which fell into the hands of our friends. This action, though fought in a Barbary manner, was conducted judiciously on the part of the Bashaw, and the victory was decidedly his. The number of his killed and wounded is between fifty and sixty; among the latter, four of his principal officers. Some Arab women, who came in from the enemy's camp this morning, say that the Beys lost between forty and fifty killed, and upwards of seventy wounded. If we could have furnished but two hundred bayonets to assist a charge, and cut the pass of the mountain, not a horse should have escaped. Mr. O'Bannon was impatient to lead his marines and Greeks (about thirty in number) to the scene of action. This could not be done without leaving our post too defenceless in case of a reserve; besides, I confess I had doubts whether the measures lately adopted by our commissioner of peace would justify me in acting offensively any longer in this quarter. Had the aids come forward seasonably which he hoped to receive here, we might now have been at Cape Mensurat, and in fifteen days more at Tripoli.

Head winds have detained the Hornet, and a gale last night took the Argus to sea: as soon as she returns Captain Evans will be despatched to headquarters.

I have communicated, some days since, such parts of the contents of your letter of the 19th ultimo, as concern him, to Hamet Bashaw. He answers, that, even with supplies, it would be fruitless for him to attempt to prosecute the war with his brother, after you shall have withdrawn your squadron from the coast; but wthout supplies he must be left in a most forlorn situation, for he can command no resources here, nor can he place any faith in provisions which may be stipulated with his brother in his favor, except guarantied by the United States. He emphatically says, that, to abandon him here is not to co-operate with him, but with his rival! He wishes us to take him off in case of peace. I am extremely anxious to learn the issue of the negotiation.

Meantime, I have the honor to be, &c.

WILLIAM EATON.

Samuel Barron, Esq.

A list of Commanders and Forces of Joseph Bashaw, defeated before Derne on the 10th June.

Turks.

Hassien Bey, Commander-in-chief
Hadge Ismein Bey, commander of cavalry, deserted June 7th, and succeeded by the late Governor of Derne.
Muhamed Bey, of Bengazi, commander of infantry.
Mustapha Bey, of Derne.
Imhemed Bey, of Ogna, commander of the Arabs.

Draughts on the most considerable districts.

Tripolitans mounted,	- - - - -	270
Left Tripoli early in January, as is supposed from Captain Bainbridge's letter.		
District of Mensurat, mounted	- - - -	90
Imselletti, - -	ditto - - - -	30
Issileiti, - -	ditto - - - -	30
Issiheli, - -	ditto - - - -	75
Province of Bengazi,	ditto - - - -	90

Ieiberna Arabs, -	ditto - - - -		260
Haddud Arabs, -	ditto - - -		100
Total cavalry, - - - - - -			945
Infantry, including Arabs - - -		1,250	1,600
Refugees from Derne - -		350	
			2,545
Recruits up to 10th June - - - -			500
Total, - - - - - -			3,045

The germ of this army had been five months in the field, had moved through the greatest extent of the kingdom, and, with every exertion to augment its strength, could only bring this small number to the field. Why? Want of cash on the part of Joseph Bashaw, and want of attachment on the part of his subjects. Though we were enough, with Hamet Bashaw, to defeat this force, we had not the means of pursuing the advantage. Why?

Mr. Davis to the Secretary of State.

Tripoli, *June* 2, 1807.

Sir: I arrived at this place on the 7th ultimo, and on the 10th communicated to the Minister of Foreign Affairs, Sidi Dghies, my orders relative to the execution of the third article of the treaty. He expressed some surprise at the demand, and instantly handed me the secret article, (of which I have the honor to enclose you a copy,) and promised to take an early opportunity of acquainting the Bashaw.

On the morning of the 11th, the Minister of Marine, brother-in-law to the Bashaw, waited on me at an early hour, and asked me, in the name of his Excellency, to repeat what I had stated the other day before the minister Sidi Dghies. He said it was so strange, that his master supposed there must be some misunderstanding; that everybody knew the opposition which was made to that article on the part of the Bashaw, even in the form it stood; and that my Government must be convinced that time had not lessened the difficulties annexed to its execution; that it appeared very inconsistent for me to present assurances of our friendship, while I came instructed to violate the most sacred article of our treaty. I informed him that I only wanted an answer to the demand I had made, by which my future conduct would be regulated; and as his comments could not possibly affect the measures my Government had resolved to take, they might very well be spared.

When I retired, I waited on the minister Sidi Dghies, who had not received any answer from the Bashaw. His impressions were, that my exertions to obtain the release of the family would prove fruitless, and suggested the propriety of my acquainting the Government with the nature of the secret article, which he supposed, from my instructions, they must be ignorant of. I expressed the wish of having an early answer, and informed him, that, as the line of conduct I was to pursue, in case of a refusal, had been directed by the Government, a delay of that kind was very unnecessary, and that he might not be aware of the consequences which might result from the inexecution of the treaty. He requested me to call again the next day.

On the morning of the 12th we again watied on the Minister, who received us with a forced gaiety, and, after some desultory conversation, asked if I was not of his opinion, that it would be better to wait an answer from the President than to carry things to a serious extreme; that the Bashaw appeared much displeased, and very unhappy, and certainly would not make such a sacrifice for nothing.

I asked if that was to be considered as a definitive answer from his master. He hesitated, and evaded an answer. I assured him that it was unnecessary for us to speak at a distance; that I requested an immediate answer from the Bashaw; that the brig could be detained no longer; and that the family or myself must embark on board.

A short time after we had left him, he sent Mr. Ridgley, and requested I would join him in half an hour. On entering his apartment, I found him walking with extreme agitation He requested Mr. Ridgley to explain to me the object of his visit. Mr. Ridgley prefaced his observations by saying that he was fully satisfied of the Minister's sincerity, and hoped it would influence my conduct. The Minister told him he feared for his life, and explained some traits in the Bashaw's character, and reasons which made him so tenacious on this point; that his friendship for the exile was known, and had drawn upon him great and powerful enemies; that my persevering so warmly in the demand might induce the Bashaw to believe that he (the Minister) supported rather than opposed me; that he would make considerable pecuniary sacrifice to obtain my wishes; and, that it might be successful, solicited me to ask the family as a favor rather than demand it as a right; the Divan had been called, and I would be received by them at the castle; that he would be the interpreter, opposing me warmly in *lingua Franca*, but would take a very different part in Arabic; and concluded with some warm ejaculations for the happy termination of the affair.

I thanked the Minister for his friendship, and assured him of my compliance with his wishes; that his confidence in me induced me to add that the expectations of my Government were not restricted to the delivery of the family; that I was instructed to demand an establishment for them. He said, if the first was granted, there would be no great difficulty in the second, to a moderate degree.

At half-past nine, P. M. I was sent for to the castle, where we found the Divan assembled, when my orders were again made known, and each in his turn offered his comments on the secret article; and, after considerable discussion, the Bashaw addressed himself to me, and requested my opinion on the line of conduct he ought to pursue; that he had strong reasons for wishing to retain the family, and that he had justice on his side. I told his Excellency that I could foresee no possible ill which could result to him from their immediate delivery, but that his retention of them would do us considerable injury; that our treaty was known to all the world, and our public faith pledged in their behalf; that his brother had co-operated with us, and to deceive him in such a tender point was to disgrace us as a nation. He asked if I would certify that the treaty had been ratified: to which I consented, provided he would execute the third article. He replied that the acts of no individual should again involve him with us, and that the wishes of our Government should be complied with. I thanked him, and informed him that the wife of the Bey and the other married sister were permitted to remain; at which the Divan expressed much satisfaction.

On the 13th I waited on the Minister to learn when they would be ready to embark, and requested that their slaves, effects, &c. would not be withheld; to which he consented. I told him that I had now a favor to solicit, which was, that some establishment should be made for the children. He assured us that he had made a considerable pecuniary sacrifice to release them; that the Bey was much disposed to do something for the mother and brothers of his wife; and, in order that no discontent might remain on our part, he would engage that they should be provided for, and that he would give something handsome towards it himself. I told him that he should not lose by his liberality, and that the expenses he had incurred would be remunerated him by the United States; the exact amount of his sacrifices will be ascertained, and I shall trust to his Excellency the President to make good my assurances.

Captain Dent's orders being to sail in the evening, and it requiring some time to prepare and clothe the family, I could not avail myself of this opportunity of sending them to Syracuse. The same reason prevented my writing by the Hornet.

I have the honor to enclose you copies of my letters to Commodore Campbell and his Excellency Achmet Bashaw. The Minister Dghies holds his public situation from policy, perhaps necessity. He is wealthy, and the greatest sufferer in all serious difficulties. He possesses considerable talents, and which I am sure will never be used to foment a war with any Power. The concessions we have obtained here are unprecedented, and every circumstance tends to impress me with the belief that we are not placed beneath England or France.

With profound respect and consideration, I have the honor to be, sir, your most obedient servant.

GEORGE DAVIS.

James Madison, Esq.

[Secret article of the treaty, enclosed in the foregoing letter.]

Whereas His Excellency the Bashaw of Tripoli has well grounded reasons to believe, if the wife and children of his brother should be delivered up to him immediately on his leaving his (the Bashaw's) dominions, as expressed in the third article of the Treaty of Peace and Amity concluded between the United States of America and the Bashaw of Tripoli on the fourth day of the present month, that he, the said brother, would engage in new operations of hostility against him, to the disturbance of the internal tranquillity of his dominions; and the said United States being willing to evince their good disposition to preserve the said treaty with sincerity, and that tranquillity should be secured in the dominions of the said Bashaw, do hereby agree to a modification of the said article of the treaty aforesaid, so that the term of four years, from the conclusion of said treaty, shall be fixed for the execution of the engagement of the Bashaw to deliver to his brother his wife and children; during which time the said brother is to give evident proofs of his peaceful disposition towards the Bashaw, and of his determination not to disturb the internal tranquillity of his dominions.

Given under my hand and seal, at Tripoli, in Barbary, this fifth day of June, in the year one thousand eight hundred and five.

TOBIAS LEAR, *Commissioner.*

GREAT BRITAIN AND FRANCE.

[Communicated to Congress, January 17, 1806.]

To the Senate and House of
Representatives of the United States:

In my Message to both Houses of Congress at the opening of their present session, I submitted to their attention, among other subjects, the oppression of our commerce and navigation by the irregular practices of armed vessels, public and private, and by the introduction of new principles, derogatory of the rights of neutrals, and unacknowledged by the usage of nations.

The memorials of several bodies of merchants of the United States are now communicated, and will develope these principles and practices which are producing the most ruinous effects on our lawful commerce and navigation.

The right of a neutral to carry on commercial intercourse with every part of the dominions of a belligerent, permitted by the laws of the country, (with the exception of blockaded ports and contraband of war,) was believed to have been decided between Great Britain and the United States by the sentence of their Commissioners, mutually appointed to decide on that and other questions of difference between the two nations, and by the actual payment of the damages awarded by them against Great Britain for the infractions of that right; when, therefore, it was perceived, that the same principle was revived, with others more novel, and extending the injury, instructions were given to the Minister Plenipotentiary of the United States at the Court of London, and remonstrances duly made by him on this subject, as will appear by documents transmitted herewith: these were followed by a partial and temporary suspension only, without any disavowal of the principle. He has, therefore, been instructed to urge this subject anew, to bring it more fully to the bar of reason, and to insist on rights too evident and too important to be surrendered. In the meantime, the evil is proceeding under adjudications founded on the principle which is denied. Under these circumstances the subject presents itself for the consideration of Congress.

On the impressment of our seamen our remonstrances have never been intermitted. A hope existed at one moment of an arrangement which might have been submitted to, but it soon passed away, and the practice, though relaxed at times in the distant seas, has been constantly pursued in those in our neighborhood. The grounds on which the reclamations on this subject have been urged, will appear in an extract from instructions to our Minister at London, now communicated.

TH. JEFFERSON.

JANUARY 17, 1806.

DEPARTMENT OF STATE, *Jan.* 25, 1806.

The Secretary of State, to whom the President has been pleased to refer the resolution of the Senate, dated on the 10th instant, has the honor to make the following report:

The most important of the principles interpolated into the law of nations, is that which appears to be maintained by the British Government and its prize courts, that a trade opened to neutrals by a nation at war, on account of the war, is unlawful.

This principle has been relaxed, from time to time, by orders, allowing, as favors to neutrals, particular branches of trade, disallowed by the general principle; which orders have, also, in some instances, extended the modifications of the principle beyond its avowed import.

In like manner, the last of these orders, bearing date the 24th of June, 1803, has incorporated with the relaxation, a collateral principle, which is itself an interpolation, namely, that a vessel on a return voyage is liable to capture by the circumstance of her having, on the outward voyage, conveyed contraband articles to an enemy's port. How far a like penalty, attached, by the same order, to the circumstance of a previous communication with a blockaded port, would likewise be an interpolation, may depend upon the construction under which that part of the order has been, or is to be, carried into execution.

The general principle, first above stated, as lately applied to re-exportations of articles imported into neutral countries from hostile colonies, or *vice versa*, by considering the re-exportation, in many cases, as a continuation of the original voyage, forms another interpolation, deeply affecting the trade of neutrals. For a fuller view of this and some other interpolations, reference may be had to the documents communicated with the Message to Congress of the 17th instant.

The British principle which makes a notification to foreign Governments of an intended blockade equivalent to the notice required by the law of nations, before the penalty can be incurred; and that which subjects to capture vessels, arriving at a port, in the interval between a removal and return of the blockading force, are other important deviations from the code of public law.

Another unjustifiable measure is the mode of search practised by British ships, which, instead of remaining at a proper distance from the vessel to be searched, and sending their own boat with a few men for the purpose, compel the vessel to send her papers in her own, and sometimes with great danger from the condition of the boat and the state of the weather.

To these instances, without adverting to others of an inferior or less definite character, in the practice of Great Britain, must be added the assumed right to impress persons from American vessels, sailing under the American flag on the high seas. An explanation of this practice will be found in the extract from the instructions to Mr. Monroe, communicated with the Message of the President above referred to.

Among the interpolations introduced by the French Government, is a decree dated June 6, 1805, (18th Prairial, 13th year,) importing that every privateer of which two-thirds of the crew should not be natives of England, or subjects of a Power the enemy of France, shall be considered as pirates.

Another is evidenced by the result of an application made by the deputy Consul of the United States, at Cadiz, through the French Consul, to Admiral Villeneuve, for the liberation of some seamen of the United States, who were on board the French fleet under his command. The answer of the Admiral, dated 29th August last, (11th Fructidor, 13th year,) states that "a decision of His Imperial and Royal Majesty provides that every foreigner found on board the vessels of war or of commerce of the enemy, is to be treated as a prisoner of war, and can have no right to the protection of the diplomatic and commercial agents of his nation."

Other unjustifiable innovations on the law of nations are exemplified in the decree of General Ferrand, lately passed at the city of St. Domingo, a translation of which is annexed.

The irregular mode of search above described is also practised by the cruisers of France and Spain.

The cruisers of the two latter Powers have harassed the commerce of the United States in various other forms, but as it is not known or believed that their conduct has been prescribed or sanctioned by the public authority of their respective nations, they are not considered as falling within the purview of the resolution of the Senate.

All which is respectfully submitted.

JAMES MADISON.

In the name of the Emperor.—Decree.

HEADQUARTERS OF ST. DOMINGO,
20th Vendemiaire, 14th year, (6th June, 1805.)

We, LOUIS FERRAND, General of Brigade, Commander-in-Chief, Captain General, pro tempore, member of the Legion of Honor:

Whereas our decrees of the 8th Thermidor, in the twelfth year, and thirteenth Messidor, of the thirteenth year, as well as our instructions to the owners and captains of privateers of the 29th Prairial, in the same year, can have left no doubt of the sentiments which we have repeatedly expressed for the respect due to the freedom of navigation and neutral rights; that those principles have been scrupulously adhered to by the administrative and judicial authorities, under our directions, in several decisions or judgments rendered by them in cases of capture, ard releasing several captured vessels.

Considering that we had a right to hope from our candor a just reciprocity on the part of the Governments of the neighboring neutral countries, and their concurrence, by the measures which are in their power, to cause to be observed by their subjects the treaties which bind them to France, as also to restrain the infamous cupidity of those who, contrary to the law of nations, supply the revolted blacks by means of a trade, the suppression of which is required by our personal responsibility to the Emperor of the French.

Considering that, far from having obtained the end which we expected from this frank and loyal conduct, the rigor of our principles in favor of neutral flags has become, to many, a stimulus to their rapacity, and that it results from papers found on board of prizes lately condemned; that the greater proportion of neutral vessels, sailing from the rebels' ports, are very carefully and methodically cleared for the ports of Dominique, Tobago, St. Thomas, Curaçoa, Jamaica, Havana, Baraçoa, St. Jago de Cuba, &c.

Considering that the officers of the customs, in several ports of the United States of America have even had the impudence to give official clearances to neutral vessels for the ports occupied by the rebels, and that, in many instances of this kind, they have used the signature of President Jefferson, whose justice was doubtless surprised.

Considering that, from the voluminous correspondence found on board the captured vessels since our decree of the 23d Messidor, it results that several of the most respectable mercantile houses of New York, Philadelphia, Baltimore, &c., have for so long a time past, kept up a continued intercourse with the revolted blacks, and have habitually supplied them with every sort of provisions and warlike stores.

Considering that powerful equipments of neutral vessels, for war and merchandise, have been made in the ports of the United States to protect this infamous commerce; that the brig Jane, of Baltimore, Captain Kennedy, of sixteen guns, and sailing from a port of the rebels, has lately been boarded and captured, after a bloody engagement, by the French privateer, the Superb, Captain Dominique.

Considering that it is notorious that the America of thirty-two guns, the Connecticut of twenty-two, the Indostan of fourteen, and several other American vessels of that description, are not only engaged in that execrable commerce, but actually transport the arms and ammunition of Dessaline's army from one port to another, thereby becoming the auxiliaries of the black rebels against France.

Considering that such conduct, on the part of the subjects of the United States of America, cannot be avowed by that Government without acknowledging explicitly the independence of the black rebels of St. Domingo, and provoking an open rupture with France.

Considering that the twenty-sixth article of the convention, of the 30th of September, 1800, ratified 31st July, 1801, expressly prohibits the citizens of both the contracting parties to receive, protect, conceal, harbor, or assist any pirate, and that, notwithstanding, vessels armed under the American flag daily convoy, and sail in concert with vessels of the negroes, bearing a flag unknown amongst the civilized Powers, and consequently pirates; which is evidently an infraction of that article of the convention of which we have carefully executed the clauses within the extent of our Government.

Considering, finally, that it is our duty, and for which we are responsible, to put a stop, by every effort in our power, to such outrageous abuses, which tend to furnish profusely the black rebels with the means of carrying on their rebellion, and opposing an obstinate resistance to His Imperial Majesty's arms, when they shall be directed against them, have decreed, and do decree:

ARTICLE 1. All vessels taken either with direct clearances for ports occupied by the rebels, or coming out from them with clearances from the custom-house, or plausibly suspected of a masked clearance, the better to insure their communication with the rebels, may be conducted into the ports of neighboring islands, either neutral or allied, showing, nevertheless, a legitimate cause opposing their carrying them directly to St. Domingo or Jamaica, derogating, in that instance, from our decree of the 13th Messidor last. Captains General, Governors, and commanders in these islands, who can no longer doubt the obligations whereby all nations ought to concur in measures to suppress the rebellion in that of St. Domingo, shall be invited to authorize the entry of these vessels into their ports.

ART. 2. In this case, conformably to our instructions of the 29th Prairial last, the functions of our agents or delegates are limited to the putting on or taking off the seals; selecting the documents found on board; receiving the declarations and interrogatories; authorizing provisional sales if there should be imminent danger of damage which shall be proved, and in which case they shall make a process verbal of the unloading, an inventory of appraisement, and judicial sale by adjudication at auction; the proceeds of which shall be deposited, either in the hands of a solvent merchant, or in those of the delegate, to be remitted after definitive judgment to the party in whose favor the judgment shall be rendered.

ART. 3. The suit being concluded, the above-mentioned proceedings relative thereto, as well as the ship's papers inventoried, without subtracting under any pretext whatever the invoices or bills of lading, shall be addressed to the chief of administration of the Marine of St. Domingo, in originals, who shall transmit them to the competent tribunal to take cognizance thereof; and as the original papers might be lost, it shall be the duty of the agent or delegate of St. Domingo to deposit in his office collated copies thereof, which copies, in such case, legally proved, shall acquire the full effect and force of the original papers.

Art. 4. It shall besides be their duty to join to the above-mentioned paper an order on demand agreeing with the invoices, bills of lading, process verbal of the unloading, appraised inventory, and provisional sale, on which order on demand shall be stated the amount of duties due to Government, calculated at five per cent., which duties shall be rigorously paid at St. Domingo by the certifier of the security of the letter of marque before granting a copy of the judgments of condemnation; and it is expressly forbid that the Registers deliver it, without a certificate from the collector of the duties of invalids, testifying the receipt of those duties, which shall be attached to the original of the said judgment.

Art. 5. Conformably with the decree of the 12th Vendemiaire, 11th year, (October 3, 1803,) all the prizes made in contravention of the provisions of the laws and regulations concerning foreign commerce with the colony, shall continue to be adjudged by the ordinary tribunal of first instance at St. Domingo, with an appeal to the special commission established conformably with the same decree for deciding in the last resort; but having regard to the just representations of the owners of privateers, and on account of the considerable expense their equipments occasion, they shall not be liable to the expense of the process, further than to the mere fee for copies of the judgment, fixed at forty-four francs for each of the secretaries, both of the tribunal of first instance and the special commission of appeal. There shall be raised upon the produce of the duties paid in the bank of invalids in the marine, a sum to be divided in the form of a gratification among the members of the tribunal of the first instance and those of the commission of appeal, designated by us to participate therein. The sum may not, in any case, exceed the fifth of that paid into the bank for the duties of any one prize; derogating thus far from the eighty-eighth and eighty-ninth articles of our regulation upon the organization of the Judiciary, dated the fifth of last complementary day, of which we suspend, as to those kind of judgments only, the execution until peace, when they shall resume their force and vigor. We, moreover, promise that we will take care, that the greatest celerity be used in all the proceedings relative to prizes.

Art. 6. Our agents or delegates in the neighboring neutral islands, in cases wherein they have proceeded to the institution of process concerning prize, shall receive, for their fee of agency, half per cent. upon the amount of the sales; but they shall not demand any fee of attendance for the crier employed in them.

Art. 7. In case of a judgment of condemnation, the agents or delegates of St. Domingo are bound to state, within three months, the accounts of liquidation and distribution of the proceeds of sales in the form prescribed by the laws, and to address them to the colonial inspector, in order that he may superintend their verification and registry or deposit.

Art. 8. At the time of the transmission of the proceedings and ship's papers to St. Domingo, our agents or delegates are to send us, as soon as possible, the captains, supercargoes, mates, sailors, and passengers, who shall have been taken on board of vessels detained in the act, and in evident communication with the ports of the rebels, appearing by clearances which they may have for those ports, or by those they may have received from the rebels; in order that they may be prosecuted according to the rigor of the laws.

As to captains, whose contravention may not be evidenced by the documents found on board, they shall be informed of the transmission of the ship's papers and proceedings to St. Domingo, with the offer to go with them, if they think proper, and with an express summons in every case to appear, by procuration or in person, within fifteen days, before the judges, who are to take cognizance of the stopping of their vessel, in order there to defend their rights. Mention shall be made of their acquiescence or refusal, in the declaration which shall be taken from them for the purpose.

Art. 9. The agents or delegates of St. Domingo are required to collect, with the greatest care, all the letters and documents which shall be found in vessels detained for communications with the rebels; to take away for the purpose of annexing to the process, only those which may give elucidations concerning the validity of the capture; and to transmit directly to us the remainder, by the most prompt and safe opportunities.

Art. 10. These letters and documents shall be dissected in our secretary's office by the interpreters of the Government; the documents shall be separated, which show the owners, insurers, freighters, merchants, dealers, captains, supercargoes, and others, connected by commercial relations or interests with the revolted blacks; which documents specially marked by the President Regent of the imperial audience or court of appeal, filling here the station of commissary of justice, shall be deposited as proofs of the offences, with those which are already in the registry of the special commission of appeal, established by the decree of the Government of the 12th Vendemiaire, 11th year, to adjudge the captures for contravention of the provisions of the laws and regulations concerning foreign commerce with the colony.

Art. 11. A list shall be drawn up by the same magistrate of the owners, insurers, freighters, merchants, traders, captains, supercargoes, and others, connected by commercial relations or interests with the rebels, and designated in the correspondence and documents deposited as proofs of the offences: at the head of this list shall be placed the owners and others interested in the vessels, stopped in the fact, and condemned as such from their clearances, either directly for the ports of the rebels, or proving that they are coming therefrom by receipts of duties, &c. The same operation shall take place every month. Copies of these lists shall be be delivered to every cruiser bearing our letters of mart.

Art. 12. Every vessel whatsoever, under whatsoever flag it may navigate, on board of which shall be be found invoices, bills of lading, and other documents, having a direct relation to one or more of the persons contained upon the list directed by the preceding article, shall be provisionally detained, without any regard to the distance of the territorial sea or place in which it may have been found, and shall be carried into port to be there examined. There, after the most exact researches, which shall be made by the competent tribunals, it shall be decided whether there be or not a ground of confiscation and condemnation, either of the vessel or of the whole or part of the cargo only; but in no case may the captured captain claim from the capturing cruiser any indemnity for the deviation from his route, or the delay in his voyage. Even the costs of suit shall, in this case, be borne by the captains.

Art. 13. Every cruiser, which shall take a vessel at anchor in a port occupied by the rebels, or navigating under the *indegine* flag, shall be exempt from all duties for his prize.

Art. 14. Every cruiser which shall enter at St. Domingo, and convey provisions thither in case of a siege, shall enjoy the same exemption during a cruise of six months.

Art. 15. The present decree shall be transcribed upon the registers of the colonial inspections, of the tribunal of first instance, and of the special commission of appeal, adjudging, in the last resort, captures for contravention of the provisions of the laws and regulations concerning foreign commerce with the colony; it shall be transmitted to our agents and delegates, with an injunction to conform thereto; to the Governors and commandants of allied and neutral islands; to the Minister Plenipotentiary of France to the United States of America; and, finally, to His Excellency Monseigneur, the Minister of Marine and the Colonies; in order to avail ourselves of every effort in order to repress a shameful and hostile traffic which tends to nourish the most odious of rebellions.

L. FERRAND.

On the subject of Impressments.

Extract of a letter from the Secretary of State to James Monroe, Esq., dated

January 5, 1804.

We consider a neutral flag on the high seas as a safeguard to those sailing under it. Great Britain, on the contrary, asserts a right to search for, and seize her own subjects; and under that cover, as cannot but happen, are often seized and taken off citizens of the United States, and citizens or subjects of other neutral countries, navigating the high seas, under the protection of the American flag.

Were the right of Great Britain in this not denied, the abuses flowing from it would justify the United States in claiming and expecting a discontinuance of its exercise. But the right is denied, and on the best grounds.

Although Great Britain has not yet adopted, in the same latitude with most other nations, the immunities of a neutral flag, she will not deny the general freedom of the high seas, and of neutral vessels navigating them, with such exceptions only as are annexed to it, by the law of nations. She must produce, then, such an exception in the law of nations in favor of the right she contends for. But in what written and received authority will she find it? In what usage except her own will it be found? She will find in both, that a neutral vessel does not protect certain objects denominated contraband of war, including enemies serving in the war, nor articles going into a blockaded port, nor, as she has maintained, and as we have not contested, enemies' property of any kind. But nowhere will she find an exception to this freedom of the seas, and of neutral flags, which justifies the taking away of any person not an enemy in military service, found on board a neutral vessel.

If treaties, British as well as others, are to be consulted on this subject, it will equally appear that no countenance to the practice can be found in them. Whilst they admit a contraband of war, by enumerating its articles, and the effect of a real blockade by defining it, in no instance do they affirm or imply a right in any sovereign to enforce his claims to the allegiance of his subjects, on board neutral vessels, on the high seas. On the contrary, whenever a belligerent claim against persons on board a neutral vessel is referred to in treaties, enemies in military service alone are excepted from the general immunity of persons in that situation; and this exception confirms the immunity of those who are not included in it.

It is not, then, from the law of the usage of nations, nor from the tenor of treaties, that any sanction can be derived for the practice in question. And surely it will not be pretended, that the sovereignty of any nation extends in any case whatever beyond its own dominions, and its own vessels on the high seas. Such a doctrine would give just claims to all nations, and more than anything would countenance the imputation of aspiring to a universal empire of the seas. It would be the less admissible, too, as it would be applicable to times of peace, as well as to times of war, and to property as well as to persons. If the law of allegiance, which is a municipal law, be in force at all on the high seas, on board foreign vessels, it must be so at all times there, as it is within its acknowledged sphere. If the reason alleged for it be good in time of war, namely, that the sovereign has then a right to the service of all his subjects, it must be good at all times, because at all times he has the same right to their service. War is not the only occasion for which he may want their services, nor is external danger the only danger against which their services may be required for his security. Again, if the authority of a municipal law can operate on persons in foreign vessels on the high seas, because within the dominion of their sovereign they would be subject to that law, and are violating that law by being in that situation, how reject the inference that the authority of a municipal law may equally be enforced on board foreign vessels on the high seas, against articles of property exported in violation of such a law, or belonging to the country from which it was exported? and every commercial regulation in time of peace, too, as well as of war, would be made obligatory on foreigners and their vessels, not only whilst within the dominion of the sovereign making the regulation, but in every sea, and at every distance, where an armed vessel might meet with them. Another inference deserves attention. If the subjects of one sovereign may be taken by force from the vessels of another, on the high seas, the right of taking them when found implies the right of searching for them, a vexation of commerce, especially in time of peace, which has not yet been attempted, and which, for that, as well as other reasons, may be regarded as contradicting the principle from which it would flow.

Taking reason and justice for the test of this practice, it is peculiarly indefensible, because it deprives the dearest rights of persons of a regular trial, to which the most inconsiderable article of property, captured on the high seas, is entitled, and leaves their destiny to the will of an officer, sometimes cruel, often ignorant, and generally interested, by his want of mariners, in his own decisions. Whenever property found in a neutral vessel is supposed to be liable on any ground to capture and condemnation, the rule in all cases is, that the question shall not be decided by the captor, but be carried before a legal tribunal, where a regular trial may be had, and where the captor himself is liable to damages for an abuse of his power. Can it be reasonable, then, or just, that a belligerent commander who is thus restricted and thus responsible, in a case of mere property of trivial amount, should be permitted, without recurring to any tribunal whatever, to examine the crew of a neutral vessel, to decide the important question of their respective allegiances, and to carry that decision into instant execution, by forcing every individual he may choose into a service abhorrent to his feelings, cutting him off from his most tender connexions, exposing his mind and his person to the most humiliating discipline, and his life itself to the greatest dangers? Reason, justice, and humanity, unite in protesting against so extravagant a proceeding. And what is the pretext for it? It is, that the similarity of language and of features between American citizens and British subjects, are such as not easily to be distinguished, and that without this arbitrary and summary authority to make the distinction, British subjects would escape, under the name of American citizens, from the duty to which they owe to their sovereign. Is, then, the difficulty of distinguishing a mariner of one country from the mariner of the other, and the importance of his services, a good plea for referring the question whether he belongs to the one or the other, to an arbitrary decision on the spot, by an interested and irresponsible officer? In all other cases the difficulty and the importance of questions are considered as reasons for requiring greater care and formality in investigating them, and greater security for a right decision on them. To say that precautions of this sort are incompatible with the object, is to admit that the object is unjustifiable; since the only means by which it can be pursued are such as cannot be justified.

The evil takes a deeper die when viewed in its practice as well as in its principles. Were it allowable that British subjects should be taken out of American vessels on the high seas, it might at least be required that the proof of their allegiance should lie on the British side. This obvious and just rule is, however, reversed; and every seaman on board, though going from an American port, and sailing under the American flag, and sometimes even speaking an idiom proving him not to be a British subject, is presumed to be such unless shown to be an American citizen. It may safely be affirmed that this is an outrage and an indignity which has no precedent, and which Great Britain would be among the last nations in the world to suffer if offered to her own subjects and her own flag. Nor is it always against the right presumption alone, which is in favor of the citizenship corresponding with the flag, that the violation is committed. Not unfrequently it takes place in defiance of the most positive proof, certified in due form by an American officer. Let it not be said, that in granting to American seamen this protection for their rights as such, the point is yielded, that the proof lies on the American side, and that the want of it in the prescribed form justifies the inference that the seamen is not of American allegiance. It is distinctly to be understood, that the certificate usually called a protection to American seamen, is not meant to protect them under their own or even any other neutral flag, on the high seas. We can never admit, that in such a situation any other protection is required for them, than the neutral flag itself on the high seas. The document is given to prove their real character, in situations to which neither the law of nations nor their own country are applicable, in other words, to protect them within the jurisdiction of the British laws, and to secure to them, within every other jurisdiction, the rights and immunities due to them. If, in the course of their navigation even on the high seas, the document should have the effect of repelling wrongs of any sort, it is an incidental advantage only of which they avail themselves, and is by no means to be misconstrued into a right to exact such a proof, or to make any disadvantageous inference from the want of it.

Were it even admitted that certificates for protection might be justly required in time of war, from American seamen, they could only be required, in cases where the lapse of time from its commencement had given an opportunity for the American seamen to provide themselves with such a document. Yet it is certain, that in a variety of instances seamen have been impressed from American vessels, on the plea that they had not this proof of citizenship, when the date and places of impressments demonstrated the impossibility of their knowing in time to provide the proof that a state of war had rendered it necessary.

Whether, therefore, we consult the law of nations, the tenor of treaties, or the dictates of reason and justice, no warrant, no pretext can be found for the British practice of making impressments from American vessels on the high seas.

Great Britain has the less to say in excuse for this practice, as it is in direct contradiction to the principles on which she proceeds in other cases. Whilst she claims and seizes, on the high seas, her own subjects voluntarily serving in American vessels, she has constantly given, when she could give, as a reason for not discharging from her service American citizens, that they had voluntarily engaged in it. Nay more, whilst she impresses her own subjects from the American service, although they may have been settled and married, and even naturalized in the United States, she constantly refuses to release from her service American citizens impressed into it, whenever she can give for a reason that they were either settled or married within her dominions. Thus, whenever the voluntary consent of the individual favors her pretensions, she pleads the validity of that consent. When the voluntary consent of the individual stands in the way of her pretensions, it goes for nothing. When marriage or residence can be pleaded in her favor, she avails herself of the plea. When marriage and residence, and even naturalization, are against her, no respect whatever is paid to either. She takes by force her own subjects voluntarily serving in our vessels. She keeps by force American citizens involuntarily serving in hers. More flagrant inconsistencies cannot be imagined.

Notwithstanding the powerful motives which ought to be felt by the British Government to relinquish a practice which exposes it to so many reproaches, it is foreseen that objections of different sorts will be pressed on you. You will be told, first, of the great number of British seamen in the American trade, and of the necessity for their services in time of war and danger. Secondly, of the rights and the prejudice of the British nation with respect to what are called the British or Narrow Seas, where its domain would be abandoned by the general stipulation required. Thirdly, of the use which would be made of such a sanctuary as that of American vessels, for desertions and traitorous communications to her enemies, especially across the channel to France.

1st. With respect to the British seamen serving in our trade, it may be remarked, first, that the number, though considerable, is probably less than may be supposed; secondly, that what is wrong in itself cannot be made right by considerations of expediency or advantage; thirdly, that it is proved by the fact, that the number of real British gained by the practice in question is of considerable importance, even in the scale of advantage. The annexed report to Congress on the subject of impressments, with the addition of such cases as may be in the hands of Mr. Erving, will verify the remark in its application to the present war. The statement made by his predecessor during the last war, and which is also annexed, is in the same view still more conclusive. The statement comprehends not only all the applications made by him in the first instance, for the liberation of impressed seamen, between the month of June, 1797, and September, 1801, but many also which had been made previous to this agency, by Mr. Pinckney and Mr. King, and which it was necessary for him to renew. These applications, therefore, may fairly be considered as embracing the greater part of the period of the war; and as applications are known to be pretty indiscriminately made, they may be further considered as embracing if not the whole, the far greater part of the impressments, those of British subjects as well as others. Yet the result exhibits two thousand and fifty-nine cases only, and of this number one hundred and two seamen only, detained as British subjects, which is less than one-twentieth of the number impressed; and one thousand one hundred and forty-two discharged, or ordered to be so, as not being British subjects, which is more than one-half of the whole number, leaving eight hundred and five for further proof, with the strongest presumption that the greater part, if not the whole, were Americans or other aliens, whose proof of citizenship had been lost or destroyed, or whose situation would account for the difficulty and delays in producing it. So that it is certain that, for all the British seamen gained by this violent proceeding, more than an equal number who were not so were the victims; it is highly probable that, for every seaman gained, a number of others, less than four to one, must have been the victims, and it is even probable that this number may have exceeded the proportion of twenty to one.

It cannot, therefore, be doubted that the acquisition of British seamen, by these impressments, whatever may be its advantage, is lost in the wrong done to Americans ignorantly or wilfully mistaken for British subjects, in the jealousy and ill-will excited among all maritime nations by an adherence to such a practice, and in the particular provocation to measures of redress on the part of the United States, not less disagreeable to them than embarrassing to Great Britain, and which may threaten the good understanding which ought to be faithfully cultivated by both. The copy of a bill brought into Congress under the influence of violations committed on our flag, gives force to this latter consideration. Whether it will pass into a law, and at the present session, is more than can yet be said. As there is every reason to believe that it has been proposed with reluctance, it will probably not be pursued into effect, if any hope can be supported of a remedy by an amicable arrangement between the two nations.

There is a further consideration, which ought to have weight in this question. Although the British seamen employed in carrying on American commerce be in some respect lost to their own nation, yet such is the intimate and extensive connexion of this commerce, direct and circuitous, with the commerce, the manufactures, the revenue, and the general resources of the British nation, that, in other respects, its mariners, on board of American vessels, may truly be said to be rendering it the most valuable services. It would not be extravagant to make it a question, whether Great Britain would not suffer more by withdrawing her seamen from the merchant vessels of the United States, than her enemies would suffer from the addition of them to the crews of her ships of war and cruisers.

Should any difficulty be started concerning seamen born within the British dominions, and naturalized by the United States since the treaty of 1783, you may remove it by observing, first, that very few if any such naturalizations can take place, the law here requiring a preparatory residence of five years, with notice of the intention to become a citizen, entered of record two years before the last necessary formality; besides, a regular proof of good moral character—conditions little likely to be complied with by ordinary seafaring persons; secondly, that a discontinuance of impressments on the high seas will prevent an actual collision between the interfering claims. Within the jurisdiction of each nation, and in their respective vessels on the high seas, each will enforce the allegiance which it claims. In other situations, the individuals doubly claimed will be within a jurisdiction independent of both nations.

2d. The British pretensions to domain over the narrow seas are so absolute, and so indefensible, that they never would have occurred as a probable objection in this case, if they had not actually frustrated an arrangement settled by Mr. King with the British Ministry on the subject of impressments from American vessels on the high seas. At the moment when the articles were expected to be signed, an exception of the "narrow seas" was urged and insisted on by Lord St. Vincent; and being utterly inadmissible on our part, the negotiation was abandoned.

The objection in itself has certainly not the slightest foundation. The time has been, indeed, when England not only claimed but exercised pretensions scarcely inferior to full sovereignty over the seas surrounding the British isles, and even as far as Cape Finisterre to the south, and Van Staten in Norway to the north. It was a time, however, when reason had little share in determining the law, and the intercourse of nations, when power alone decided questions of right, and when the ignorance and want of concert among other maritime countries facilitated such an usurpation.

The progress of civilization and information has produced a change in all those respects; and no principle in the code of public law is at present better established than the common freedom of the seas beyond a very limited distance from the territories washed by them. This distance is not, indeed, fixed with absolute precision. It is varied, in a small degree by written authorities, and perhaps it may be reasonably varied in some degree by local peculiarities. But the greatest distance which would now be listened to anywhere would make a small proportion of the narrowest part of the narrowest seas in question.

What are, in fact, the prerogatives claimed and exercised by Great Britain over these seas? If they were really a part of her domain, her authority would be the same there as within her other domain. Foreign vessels would be subject to all the laws and regulations framed for them, as much as if they were within the harbors or rivers of the country. Nothing of this sort is pretended. Nothing of this sort would be tolerated. The only instances in which these seas are distinguished from other seas, or in which Great Britain enjoys within them any distinction over other nations are, first, the compliment paid by other flags to hers; secondly, the extension of her territorial jurisdiction, in certain cases, to the distance of four leagues from the coast. The first is a relic of ancient usurpation, which has thus long escaped the correction which modern and more enlightened times have applied to other usurpations. The prerogative has been often contested, however, even at the expense of bloody wars, and is still borne with ill will and impatience by her neighbors.

At the last Treaty of Peace at Amiens, the abolition of it was repeatedly and strongly pressed by France; and it is not improbable, that, at no remote day, it will follow the fate of the title of "King of France," so long worn by the British monarchs, and at length so properly sacrificed to the lessons of a magnanimous wisdom. As far as this homage to the British flag has any foundation at present, it rests merely on long usage, and long acquiescence, which are construed (as in a few other cases of maritime claims) into the effect of a general, though tacit convention. The second instance is the extension of the territorial jurisdiction to four leagues from the shore. This, too, as far as the distance may exceed that which is generally allowed, rests on a like foundation, strengthened, perhaps, by the local facility of smuggling, and the peculiar interest which Great Britain has in preventing a practice affecting so deeply her whole system of revenue, commerce, and manufactures; whilst the limitation itself to four leagues necessarily implies, that, beyond that distance, no territorial jurisdiction is assumed.

But, whatever may be the origin or the value of these prerogatives over foreign flags in one case, and within a limited portion of these seas in another, it is obvious that neither of them will be violated by the exemption of American vessels from impressments, which are nowise connected with either; having never been made on the pretext either of withholding the wonted homage to the British flag, or of smuggling in defiance of British laws.

This extension of the British law to four leagues from the shore is inferred from an act of Parliament, passed in the year 1736, (9 Geo. 2. c. 35,) the terms of which comprehend all vessels foreign as well as British; it is possible, however, that the former are constructively excepted. Should your inquiries ascertain this to be the case, you will find yourself on better ground than the concession here made.

With respect to the compliment paid to the British flag, it is also possible that more is here conceded than you may find to be necessary. After the peace of 1783, this compliment was peremptorily withheld by France, in spite of the remonstrances of Great Britain; and it remains for your inquiry, whether it did not continue to be refused, notwithstanding the failure at Amiens to obtain from Great Britain a formal renunciation of the claim.

From every view of the subject, it is reasonable to expect, that the exception of the narrow seas from the stipulation against impressments, will not be inflexibly maintained; should it be so, your negotiation will be at an end. The truth is, that so great a proportion of our trade, direct and circuitous, passes through those channels, and such is its peculiar exposure in them to the wrong practised, that, with such an exception, any remedy would be very partial. And we can never consent to purchase a partial remedy by confirming a general evil, and by subjecting ourselves to our own reproaches as well as to those of other nations.

3d. It appears, as well by a letter from Mr. Thornton, in answer to one from me, of both which copies are enclosed, as from conversations with Mr. Merry, that the facility which would be given, particularly in the British channel, by the immunity claimed for American vessels, to the escape of traitors, and the desertion of others whose services in time of war may be particularly important to an enemy, forms one of the pleas for the British practice of examining American crews, and will be one of the objections to a formal relinquishment of it.

This plea, like all others, admits a solid and satisfactory reply. In the first place, if it could prevail at all against the neutral claim, it would authorize the seizure of the persons described only, and in vessels bound to a hostile country only; whereas, the practice of impressing is applied to persons, few or any of whom are alleged to be of either description, and to vessels whithersoever bound, even to Great Britain herself. In the next place, it is not only a preference of the smaller object on one side to a greater object on the other, but a sacrifice of right on one side to expediency on the other side.

On the subject of the Colonial Trade.

Extract of a letter from the Secretary of State to James Monroe, Esq.

DEPARTMENT OF STATE, *April* 12, 1805.

The papers herewith enclosed explain particularly the case of the brig Aurora.

The sum of the case is, that while Spain was at war with Great Britain, this vessel, owned by a citizen of the United States, brought a cargo of Spanish produce, purchased at the Havana, from that place to Charleston, where the cargo was landed, except an insignificant portion of it, and the duties paid, or secured, according to law, in like manner as they are required to be paid, o secured, on a like cargo, from whatever port meant for home consumption; that the cargo re mained on land about three weeks, when it wa reshipped for Barcelona, in Old Spain, and th duties drawn back, with a deduction of three an a half per cent., as is permitted to imported article in all cases, at any time within one year, unde certain regulations, which were pursued in thi case; that the vessel was taken on her voyage b a British cruiser, and sent for trial to Newfoundland, where the cargo was condemned by th Court of Vice Admiralty; and that the cause wa carried thence, by appeal, to Great Britain, wher it was apprehended that the sentence below woul not be reversed.

The ground of this sentence was, and that o its confirmation, if such be the result, must be, tha the trade in which the vessel was engaged wa unlawful, and this unlawfulness must rest, first on the general principle assumed by Great Britain, that a trade from a colony to its parent country, being a trade not permitted to other nation in time of peace, cannot be made lawful to them in time of war; secondly, on the allegation tha the continuity of the voyage from the Havana t Barcelona was not broken by landing the carg in the United States, paying the duties thereon and thus fulfilling the legal prerequisites to a home consumption; and, therefore, that the carg was subject to condemnation, even under th British regulation of January, 1798, which so fa relaxes the general principle as to allow a direc trade between a belligerent colony, and a neutral country carrying on such a trade.

With respect to the general principle, which disallows to neutral nations, in time of war, a trade not allowed to them in time of peace, it may be observed—

First, That the principle is of modern date; that it is maintained, as is believed, by no other nation but Great Britain; and that it was assumed by her under the auspices of a maritime ascendency, which rendered such a principle subservient to her particular interest. The history of her regulations on this subject shows that they have been constantly modified under the influence of that consideration. The course of these modifications will be seen in an appendix to the fourth volume of Robinson's Admiralty Reports.

Secondly, That the principle is manifestly contrary to the general interest of commercial nations, as well as to the law of nations settled by the most approved authorities, which recognises no restraints on the trade of nations not at war with nations at war, other than that it shall be impartial between the latter, that it shall not extend to certain military articles, nor to the transportation of persons in military service, nor to places actually blockaded or besieged.

Thirdly, That the principle is the more contrary to reason and to right, inasmuch as the admission of neutrals into a colonial trade shut against them in times of peace, may, and often does, result from considerations which open to neutrals direct channels of trade with the parent

State, shut to them in times of peace, the legality of which latter relaxation is not known to have been contested; and inasmuch as a commerce may be and frequently is opened in time of war, between a colony and other countries, from considerations which are not incident to the war, and which would produce the same effect in a ime of peace; such, for example, as a failure or diminution of the ordinary sources of necessary supplies, or new turns in the course of profitable nterchanges.

Fourthly, That it is not only contrary to the principles and practice of other nations, but to he practice of Great Britain herself. It is well known to be her invariable practice in time of war, by relaxations in her navigation laws, to admit neutrals to trade in channels forbidden to hem in times of peace; and particularly to open her colonial trade both to neutral vessels and supplies, to which it is shut in times of peace: and that one at least of her objects, in these reaxations, is to give to her trade an immunity from capture, to which in her own hands it would be subjected by the war.

Fifthly, The practice which has prevailed in he British dominions, sanctioned by Orders of Council and an act of Parliament, [39 G. 3. c. 98.] authorizing for British subjects a direct trade with he enemy, still further diminishes the force of her pretensions for depriving us of the colonial rade. Thus we see in Robinson's Admiralty Reports *passim*, that during the last war a licensed commercial intercourse prevailed between Great Britain and her enemies, France, Spain, and Holland, because it comprehended articles necessary for her manufactures and agriculture; notwithstanding the effect it had in opening a vent o the surplus productions of the others. In this manner she assumes to suspend the war itself as o particular objects of trade beneficial to herself; while she denies the right of the other belligerents o suspend their accustomed commercial restricions, in favor of neutrals. But the injustice and nconsistency of her attempt to press a strict rule on neutrals, is more forcibly displayed by the nature of the trade which is openly carried on beween the colonies of Great Britain and Spain, in he West Indies. The mode of it is detailed in he enclosed copy of a letter from ——, wherein t will be seen that American vessels and cargoes, after being condemned in British courts, under pretence of illicit commerce, are sent, on British account, to the enemies of Great Britain, if not to he very port of the destination interrupted when hey were American property. What respect can be claimed from others, to a doctrine not only of so recent an origin, and enforced with so little uniformity, but which is so conspicuously disregarded in practice by the nation itself, which stands alone in contending for it?

Sixthly, It is particularly worthy of attention hat the Board of Commissioners, jointly constiuted by the British and American Governments, under the seventh article of the Treaty of 1794, by reversing condemnations of the British courts founded on the British instructions of November, 1793, condemned the principle, that a trade forbidden to neutrals in time of peace, could not be opened to them in time of war; on which precise principle these instructions were founded. And as the reversal could be justified by no other authority than the law of nations, by which they were guided, the law of nations, according to that joint tribunal, condemns the principle here combated. Whether the British Commissioners concurred in these reversals does not appear, but whether they did, or did not, the decision was equally binding; and affords a precedent which could not be disrespected by a like succeeding tribunal, and ought not to be without great weight with both nations, in like questions recurring between them.

On these grounds the United States may justly regard the British captures and condemnations of neutral trade, with colonies of the enemies of Great Britain, as violations of right; and if reason, consistency, or that sound policy which cannot be at variance with either, be allowed the weight which they ought to have, the British Government will feel sufficient motives to repair the wrongs done in such cases by its cruisers and courts.

But, apart from this general view of the subject, a refusal to indemnify the sufferers, in the particular case of the Aurora, is destitute of every pretext, because, in the second place, the continuity of her voyage was clearly and palpably broken, and the trade converted into a new character.

It has been already noted that the British regulation of 1798 admits a direct trade, in time of war, between a belligerent colony and neutral country carrying on the trade; and admits consequently the legality of the importation by the Aurora, from the Havana to Charleston. Nor has it ever been pretended that a neutral nation has not a right to re-export to any belligerent country whatever productions, not contraband of war, which may have been duly incorporated and naturalized, as a part of the commercial stock of the country re-exporting it.

The question, then, to be decided under the British regulation itself, is, whether in landing the cargo, paying the duties, and thus as effectually qualifying the articles for the legal consumption of the country, as if they had been its native productions, they were not, at the same time, equally qualified with native productions for exportation to a foreign market. That such ought to be the decision results irresistibly from the following considerations:

1. From the respect which is due to the internal regulations of every country, where they cannot be charged with a temporizing partiality toward particular belligerent parties, or with fraudulent views toward all of them. The regulations of the United States on this subject must be free from every possible imputation, being not only fair in their appearance, but just in their principles, and having continued the same during the periods of war, as they were in those of peace. It may be added that they probably correspond, in

every essential feature relating to re-exportation, with the laws of other commercial countries, and particularly with those of Great Britain. The annexed outline of them, by the Secretary of the Treasury, will at once explain their character, and show that, in the case of the Aurora, every legal requisite was duly complied with.

2. From the impossibility of substituting any other admissible criterion, than that of landing the articles, and otherwise qualifying them for the use of the country. If this regular and customary proceeding be not a barrier against further inquiries, where, it may be asked, are the inquiries to stop? By what evidence are particular articles to be identified on the high seas, or before a foreign tribunal? If identified, how is it to be ascertained whether they were imported with a view to the market at home, or to a foreign market, or, as ought always to be presumed, to the one or the other, as it should happen to invite? or if to a foreign market, whether to one forbidden or permitted by the British regulations? for it is to be recollected that among the modifications which her policy has given to the general principle asserted by her, a direct trade is permitted to a neutral carrier from a belligerent colony, to her ports, as well as to those of his own country. If, again, the landing of the goods and the payment of the duties be not sufficient to break the continuity of the voyage, what, it may be asked, is the degree of internal change or alienation which will have that effect? May not a claim be set up to trace the articles from hand to hand, from ship to ship, in the same port, and even from one port to another port, as long as they remain in the country? In a word, in departing from the simple criterion provided by the country itself, for its own legitimate and permanent objects, it is obvious, that, besides the defalcations which might be committed on our carrying trade, pretexts will be given to cruisers for endless vexations on our commerce at large, and that a latitude and delays will accrue in the distant proceedings of Admiralty courts, still more ruinous and intolerable.

3. From the decision in the British High Court of Admiralty itself, given in the case of the Polly, Lasky, master, by a judge deservedly celebrated for a profound judgment, which cannot be suspected of leaning toward doctrines unjust or injurious to the rights of his own country. On that occasion he expressly declares: "It is not my business to say what is universally the test of a *bona fide* importation: it is argued that it would be sufficient that the duties should be paid, and that the cargo should be landed. If these criteria are not to be resorted to, I should be at a loss to know what should be the test; and I am strongly disposed to hold, that it would be sufficient that the goods should be landed and the duties paid."—2 Rob. Reports, p. 368-9.

The President has thought it proper that you should be furnished with such a view of the subject as is here sketched; that you may make the use of it best suited to the occasion. If the trial of the Aurora should not be over, it is questionable whether the Government will interfere with its courts. Should the trial be over, and the sentence of the Vice Admiralty Court at Saint John's have been confirmed, you are to lose no time in presenting to the British Government a representation corresponding with the scope of these observations; and in urging that redress in the case, which is equally due to private justice, to the reasonable expectations of the United States, and to that confidence and harmony which ought to be cherished between the two nations.

Mr. Monroe to the Secretary of Foreign Affairs of Great Britain.

No. 12, Great Cumberland Place,
September 23, 1805.

My Lord: I flattered myself, from what passed in our last interview, that I should have been honored before this with an answer from your Lordship to my letters respecting the late seizure of American vessels. I understood it to be agreed that the discussion which then took place should be considered as unofficial, as explanatory only of the ideas which we might respectively entertain on the subject, and that your Lordship would afterwards give me such a reply to my letters respecting that measure as His Majesty's Government might desire to have communicated to the Government of the United States. In consequence, I have since waited with anxiety such a communication, in the daily expectation of receiving it. It is far from being my desire to give your Lordship any trouble in this business, which I can avoid, as the time which has since elapsed sufficiently shows; but the great importance of the subject, which has, indeed, become more so, by the continuance of the same policy, and the frequency of seizures which are still made of American vessels, place me in a situation of peculiar responsibility. My Government will expect of me correct information on this point, in all its views, and I am very desirous of complying with its just expectation. I must, therefore, again request that your Lordship will be so good as to enable me to make such a representation to my Government of that measure as His Majesty's Government may think proper to give.

I am sorry to add, that the longer I have reflected on the subject, the more confirmed I have been in the objections to the measure. If we examine it in reference to the law of nations, it appears to me to be repugnant to every principle of that law; if by the understanding, or, as it may be more properly called, the agreement of our Governments respecting the commerce in question, I consider it equally repugnant to the principles of that agreement. In both these views your Lordship will permit me to make some additional remarks on this subject.

By the law of nations, as settled by the most approved writers, no other restraint is acknowledged on the trade of neutral nations with those at war than that it be impartial between the latter; that it shall not extend to articles which are deemed contraband of war, nor to the transportation of persons in military service, nor to places actually blockaded or besieged. Every other commerce of a neutral with a belligerent is considered a lawful commerce; and every other restraint on it to either of the belligerents by the other an unlawful restraint.

The list of contraband is well defined, as are also the circumstances which constitute a blockade. The best authorities have united in confining the first to such articles as are used in war, and are applicable to military purposes; and in requiring, to constitute the latter, the disposition of such a force, consisting of stationary ships, so near the port, by the Power which attacks it, as to make it dangerous for the vessel of a neutral Power to enter it. The late treaty between Great Britain and Russia designates these circumstances as necessary to constitute a blockade, and it is believed that it was never viewed before in a light more favorable to the invading Power. The vessels condemned were engaged in a commerce between the United States and some port in Europe, or between those States and the West India islands, belonging to an enemy of Great Britain. In the European voyage, the cargo consisted of the productions of the colonies; in the voyage to the West Indies, it consisted of the goods of the Power to which the colony belonged, and to which the ship was destined. The ship and cargo, in every case, were the property of American citizens, and the cargo had been landed, and the duty on it paid, in the United States. It was decided that these voyages were continuous; and the vessels and cargoes were condemned, on the principle that the commerce was illegal. I beg to refer more especially in this statement to the case of the Essex, an appeal from the judgment of the Vice Admiralty court at New Providence, in which the Lords Commissioners of Appeals, in confirming that judgment, established this doctrine.

It requires but a slight view of the subject to be satisfied that these condemnations are incompatible with the law of nations, as above stated. None of the cases have involved a question of contraband, of blockade, or of any other kind, that was ever contested till of late in favor of a belligerent against a neutral Power. It is not on any principle that is applicable to any such case that the measure can be defended. On what principle, then, is it supported by Great Britain? What is the nature and extent of her doctrine? What are the circumstances which recommend the arguments which support it? For information on these points we cannot refer to the well known writers on the law of nations; no illustration can be obtained from them of a doctrine which they never heard of. We must look for it to an authority more modern; to one which, however respectable for the learning and professional abilities of the judge who presides, is, nevertheless, one which, from many considerations, is not obligatory on other Powers. In a report of the decisions of the Court of Admiralty of this kingdom, we find a notice of a series of orders issued by the Government, of different dates and imports, which have regulated this business. The first of these bears date on the 6th of November, 1793; the second on the 8th of January, 1794; the third on the 25th of January, 1798. Other orders have been issued since the commencement of the present war. It is these orders which have authorized the seizures which were made at different times in the course of the last war, and were lately made by British cruisers of the vessels of the United States. They, too, form the law which has governed the courts in the decisions on the several cases which have arisen under those seizures. The first of these orders prohibits altogether every species of commerce between neutral countries and enemies' colonies, and between neutral and other countries, in the productions of those colonies, the second and subsequent orders modify it in various forms. The doctrine, however, in every decision, is the same: it is contended in each that the character and just extent of the principle is to be found in the first order, and that every departure from it since has been a relaxation of the principle, not claimed of right by neutral Powers, but conceded in their favor gratuitously by Great Britain.

In support of these orders, it is urged that, as the colonial trade is a system of monopoly to the parent country, in time of peace, neutral Powers have no right to participate in it in time of war, although they be permitted so to do by the parent country; that a belligerent has a right to interdict them from such a commerce. It is on this system of internal restraint, this regulation of colonial trade by the Powers having colonies, that a new principle of the law of nations is attempted to be founded: one which seeks to discriminate in respect to the commerce of neutral Powers with a belligerent, between different parts of the territory of the same Power, and likewise subverts many other principles of great importance, which have heretofore been held sacred among nations. It is believed that so important a superstructure was never raised on so slight a foundation. Permit me to ask, does it follow, because the parent country monopolises in peace the whole commerce of its colonies, that in war it should have no right to regulate it at all? That, on the contrary, it should be construed to transfer, in equal extent, a right to its enemy, to the prejudice of the parent country, of the colonies, and of neutral Powers? If this doctrine was sound, it would certainly institute a new and singular mode of acquiring and losing rights; one which would be highly advantageous to one party, while it was equally injurious to the other. To the colonies, more especially, it would prove peculiarly onerous and oppressive. It is known that they are essentially dependent for their existence on supplies from other countries, especially the United States of America, who, being in their neighborhood, have the means of furnishing them with greatest certainty, and on the best terms. Is it not sufficient that they be subjected to that restraint in peace, when the evils attending it by the occasional interference of the parent country may be, and are, frequently repaired? Is it consistent with justice or humanity, that it should be converted into a principle in favor of an enemy, inexorable, of course, but otherwise without the means of listening to their complaints, not for their distress or oppression only, but for their extermination? But there are other insuperable objections to this doctrine. Are not the colonies of every country a part of its domain, and do they not continue to be so until they are severed from it by conquest? Is not the power to regulate commerce incident to the sovereignty, and is it not coextensive over the whole territory which any Government possesses? Can one belligerent acquire any right to the territory of another, but by conquest? And can any rights which appertain thereto, be otherwise defeated or curtailed in war? In whatever light, therefore, the subject is viewed, it appears to me evident that this doctrine cannot be supported. No distinction, founded in reason, can be taken between the different parts of the territory of the same Power to justify it. The separation of one portion from another by the sea, gives lawfully to the belligerent, which is superior on that element, a vast ascendency in all the concerns on which the success of the war, or the relative prosperity of their respective dominions may in any degree depend. It opens to such Power ample means for its own aggrandizement, and for the harassment and distress of its adversary. With these it should be satisfied. But neither can that circumstance, nor can any of internal arrangement which any Power may adopt for the government of its dominions, be construed to give to its enemy any other advantage over it. They certainly do not justify the doctrine in question, which asserts that the law of nations varies in its application to different portions of the territory of the same Power: that it operates in one mode in respect to one, and in another, or even not at all, in respect to another; that the rights of humanity of neutral Powers and all other rights are to sink before it.

It is further urged that neutral Powers ought not to complain of this restraint, because they stand under it on the same ground with respect to that commerce which they held in time of peace. But this fact, if true, gives no support to the pretension. The claim involves a question of right, not of interest. If the neutral Powers have a right in war to such commerce with the colonies of the enemies of Great Britain, as the present States respectively allowed, they ought not to be deprived of it by her, nor can its just claims be satisfied by any compromise of the kind alluded to. For this argument to have the weight which it is intended to give it, the commerce of the neutral Powers with those colonies should be placed, and preserved through the war, in the same state as if it had not occurred. Great Britain should in respect to them take the place of the parent country, and do everything which the latter would have done, had there been no war. To discharge that duty, it would be necessary for her to establish such a police over the colony, as to be able to examine the circumstances attending it annually, to ascertain whether the crops were abundant, supplies from other quarters had failed, and eventually to decide whether under such circumstances the parent country would have opened the ports to neutral Powers. But these offices cannot be performed by any Power which is not in possession of the colony; that can only be obtained by conquest, in which case the victor would of course have a right to regulate its trade as it thought fit.

It is also said, that neutral Powers have no right to profit of the advantages which are gained in war by the arms of Great Britain. This argument has even less weight than the others. It does not, in truth, apply at all to the question. Neutral Powers do not claim a right, as already observed, to any commerce with the colonies which Great Britain may have conquered of her enemies, otherwise than on the conditions which she imposes. The point in question turns on the commerce which they are entitled to with the colonies which he has not conquered, but still remain subject to the dominion of the parent country. With such it is contended, for reasons which have been already given, that neutral Powers have a right to enjoy all the advantages in trade which the parent country allows them; a right of which the mere circumstance of war cannot deprive them. If Great Britain had a right to prohibit that commerce, it existed before the war began, and of course before she had gained any advantage over her enemies. If it did not then exist, it certainly does not at the present time. Rights of the kind in question cannot depend on the fortune of war, or other contingencies. The law which regulates them is invariable, until it be changed by the competent authority. It forms a rule equally between belligerent Powers, and between neutral and belligerent, which is dictated by reason and sanctioned by the usage and consent of nations.

The foregoing considerations have, it is presumed, proved that the claim of Great Britain to prohibit the commerce of neutral Powers, in the manner proposed, is repugnant to the law of nations. If, however, any doubt remained on that point, other considerations which may be urged cannot fail to remove it. The number of orders of different imports which have been issued by Government, to regulate the seizure of neutral vessels, is a proof that there is no established law for the purpose. And the strictness with which the courts had followed those orders, through their various modifications, is equally a proof that there is no other authority for the government of their decisions. If the order of the 6th of November, 1793, contained the true doctrine of the law of nations, there would have been no occasion for those which followed, nor is it probable that they would have been issued: indeed, if that order had been in conformity with that law, there would have been no occasion for it. As in the cases of blockade and contraband, the law would have been well known without an order, especially one so very descriptive; the interest of the cruisers, which is always sufficiently active, would have prompted them to make the seizures, and the opinions of eminent writers, which in that case would not have been wanting, would have furnished the courts the best authority for their decisions. I shall now proceed to show that the decisions complained of are contrary to the understanding, or what, perhaps, may more properly be called an agreement of the two Governments on the subject. By the order of the 6th November, 1793, some hundreds of American vessels were seized, carried into port, and condemned. Those seizures and condemnations became the subject of an immediate negotiation between the two nations, which terminated in a treaty, by which it was agreed to submit the whole subject to commissioners, who should be invested with full power to settle the controversy which had thus arisen. That stipulation was carried into complete effect: commissioners were appointed, who examined laboriously and fully all the cases of seizure and condemnation which had taken place, and finally decided on the same; in which decision, they condemned the principle of the order, and awarded compensation to those who had suffered under it. Those awards have been since fairly and honorably discharged by Great Britain. It merits particular attention that a part of the twelfth article of that treaty referred expressly to the point in question, and that it was, on the solemn deliberation of each Government, by their mutual consent, expunged from it. It seems, therefore, to be impossible to consider that transaction, under all the circumstances attending it, in any other light than as a fair and amicable adjustment of the question between the parties—one which authorized the just expectation that it would never become again a course of complaint between them. The sense of both was expressed on it in a manner too marked and explicit to admit of a different conclusion. The subject, too, was of a nature that when once settled ought to be considered as settled forever. It is not like questions of commerce between two Powers, which affect their internal concerns, and depend, of course, on the internal regulations of each. When these latter are arranged by treaty, the rights which accrue to each party under it, in the interior of the other, cease when the treaty expires. Each has a right afterwards to decide for itself in what manner that concern shall be regulated in future, and in that decision to consult solely its interest. But the present topic is of a very different character. It involves no question of commerce or other internal concern between the two nations. It respects the commerce only which either may have with the enemies of the other in time of war. It involves, therefore, only a question of right, under the law of nations, which in its nature cannot fluctuate. It is proper to add, that the conclusion above mentioned was further supported by the important fact, that, until the late decree in the case of the Essex, not one American vessel engaged in this commerce had been condemned on this doctrine; that several which were met in the Channel by the British cruisers were permitted, after an examination of their papers, to pursue their voyage. This circumstance justified the opinion that that commerce was deemed a lawful one by Great Britain.

There is another ground on which the late seizures and condemnations are considered as highly objectionable, and furnish just cause of complaint to the United States. Until the final report of the Commissioners under the seventh article of the Treaty of 1794, which was not made until last year, it is admitted that their arbitrament was not obligatory on the parties in the sense in which it is now contended to be. Every intermediate declaration, however, by Great Britain, of her sense on the subject, must be considered as binding on her, as it laid the foundation of commercial enterprises, which were thought to be secure while within that limit. Your Lordship will permit me to refer you to several examples of this kind, which were equally formal and official, in which the sense of His Majesty's Government was declared very differently from what it has been in the late condemnations. In Robinson's Reports, vol. 2, page 368, (case the Polly, Lasky, master,) it seems to have been clearly established by the learned judge of the Court of Admiralty, that an American has the right to import the produce of an enemy's colony into the United States, and to send it on afterward to the general commerce of Europe; and that the landing the goods and paying the duties in the United States should preclude all further question relative to the voyage. The terms "for his own use," which are to be found in the report, are obviously intended to assert the claim only that the property shall be American, and not that of an enemy; by admitting the right to send on the produce afterward to the general commerce of Europe, it is not possible that those terms should convey any other idea. A *bona fide* importation is also held by the judge to be satisfied by the landing the goods and paying the duties. This, therefore, is, I think, the true import of that decision. The doctrine is again laid down, in still more explicit terms, by the Government itself, in a correspondence between Lord Hawkesbury and my predecessor, Mr. King. The case was precisely similar to those which have been lately before the Court. Mr. King complained, in a letter of March 18, 1801, that the cargo of an American vessel, going from the United States to a Spanish colony, had been condemned by the Vice Admiralty Court of Nassau, on the ground that it was the growth of Spain, which decision, he contended, was contrary to the law of nations, and requested that suitable instructions might be despatched to the proper officers in the West Indies, to prevent like abuses in future. Lord Hawkesbury, in a reply of April 11th, communicated the report of the King's advocate general, in which it is expressly stated, that the produce of an enemy may be imported by a neutral into his own country, and re-exported thence to the mother country; and, in like manner, in that circuitous mode, that the produce and manufactures of the mother country might find their way to its colonies; that the landing the goods and paying the duties in the neutral country broke the continuity of the voyage, and legalized the trade, although the goods were re-shipped in the same vessel, on account of the same neutral proprietors, and forwarded for sale to the mother country of the colony. It merits attention in this report, (so clearly and positively is the doctrine laid down that the landing the goods and paying the duties in the neutral country broke the continuity of the voyage,) that it is stated as a doubtful point whether the mere touching in the neutral country to obtain fresh clearances will be considered in the light of the direct trade; that no positive inhibition is insisted on any but the direct trade between the mother country and the colonies. This doctrine, in the light herein stated, is also to be found in the treaty between Great Britain and Russia, June 17, 1801. By the second section of the third article, the commerce of neutrals, in the productions or manufactures of the enemies of Great Britain, which have become the property of the neutral, is declared to be free. That section was afterward explained by a declaratory article of October 20, of the same year, by which it is agreed that it shall not be understood to authorize neutrals to carry the produce or merchandise of an enemy either directly from the colonies to the parent country, or from the parent country to the colonies. In other respects, the commerce was left on the footing on which it was placed by that section, perfectly free, except in the direct trade between the colony and the parent country. It is worthy of remark, that as, by the reference made in the explanatory article of the treaty with Russia, to the United States of America, it was supposed that those States and Russia, Denmark, and Sweden, had a common interest in neutral questions, so it was obviously intended, from the similarity of sentiment which is observable between that treaty as amended and the report of the advocate general above-mentioned, to place all the parties on the same footing. After these acts of the British Government, which, being official, were made public, it was not to be expected that any greater restraint would have been contemplated by it, on that commerce, than they impose; that an inquiry would ever have been made, not whether the property with which an American vessel was charged belonged to a citizen of the United States, or an enemy, but whether it belonged to this or that American—an inquiry which imposes a condition which it is believed that no independent nation, having a just sense of what it owes to its rights or its honor, can ever comply with. Much less was it to be expected that such a restraint would have been thought of after the report of the Commissioners above adverted to, which seemed to have placed the rights of the United States incontestably on a much more liberal and, as is contended, just footing.

It is proper to add, that the decree of the Lords Commissioners of Appeals, in the case of the Essex, produced the same effect as an order from the Government would have done. Prior to that decree, from the commencement of the war, the commerce in question was pursued by the citizens of the United States, as has been already observed, without molestation. It is presumable that till then His Majesty's cruisers were induced to forbear a seizure, by the same considerations which induced the American citizens to engage in the commerce—a belief that it was a lawful one. The facts above-mentioned were equally before the parties, and it is not surprising that they should have drawn the same conclusion from them. That decree, however, opened a new scene. It certainly gave a signal to the cruisers to commence the seizures, which they have not failed to do, as has been sufficiently felt by the citizens of the United States who have suffered under it. According to the information which has been given me, about fifty vessels have been brought into the ports of Great Britain in consequence of it; and there is reason to believe that the same system is pursued in the West Indies and elsewhere. The measure is the more to be complained of, because Great Britain had, in permitting the commerce for two years, given a sanction to it by her conduct, and nothing had occurred to create a suspicion that her sentiments varied from her conduct. Had that been the case, or had she been disposed to change her conduct in that respect toward the United States, it might reasonably have been expected that some intimation would have been given of it before the measure was carried into effect. Between Powers who are equally desirous of preserving the relations of friendship with each other, notice might in all such cases be expected. But, in the present case, the obligation to give it seemed to be peculiarly strong. The existence of a negotiation which had been sought on the part of the United States, some considerable time before my departure from Spain, for the express purpose of adjusting amicably and fairly all such questions between the two nations, and postponed on that occasion to accommodate the views of His Majesty's Government, furnished a suitable opportunity for such an intimation, while it could not otherwise than increase the claim to it.

In this communication, I have made no comment on the difference which is observable in the import of the several orders which have regulated, at different times, the seizure of neutral vessels, some of which were more moderate than others. It is proper, however, to remark here, that those which were issued, or even that any had been issued, since the commencement of the present war, were circumstances not known till very lately; on principle, it is acknowledged that they are to be viewed in the same light, and it has been my object to examine them by that standard, without going into detail, or marking the shades of difference between them. I have made the examination with that freedom and candor which belongs to a subject of very high importance to the United States; the result of which has been, as I presume, to prove that all the orders are repugnant to the law of nations, and that the late condemnations, which have revived the pretension on the part of Great Britain, are not only repugnant to that law, but to the understanding which it was supposed had taken place between the two Powers respecting the commerce in question.

I cannot conclude this note without adverting to the other topics pending between our Governments, which it is also much wished to adjust at this time. These are well known to your Lordship, and it is therefore unnecessary to add anything on them at present. With a view to perpetuate the friendship of the two nations, no unnecessary cause of collision should be left open. Those adverted to are believed to be of this kind, such as the case of boundary, the impressment of seamen, &c., since it is presumed that there can be no real conflicting interest between them on those points. The general commercial relation may, then, be adjusted or postponed, as may be most consistent with the views of His Majesty's Government. On that point, also, it is believed that it will not be difficult to make such an arrangement as, by giving sufficient scope to the resources, to the industry, and the enterpise, of the people of both countries, may prove highly reciprocal and advantageous to them. In the topic of impressment, however, the motive is more urgent. In that line, the rights of the United States have been so long trampled under foot, and the feelings of humanity in respect to the sufferers, and the honor of their Government, even in their own ports, so often outraged, that the astonished world may begin to doubt whether the patience with which these injuries have been borne, ought to be attributed to generous or unworthy motives—whether the United States merit the rank to which, in other respects, they are justly entitled among independent Powers, or have already, in the very morn of their political career, lost all their energy and become degenerate. The United States are not insensible that their conduct has exposed them to such suspicions, though they well know that they have not merited them. They are aware, from the similarity in the person, the manners, and above all, the identity of the language, which is common to the people of both nations, that the subject is a difficult one. They are equally aware that, to Great Britain, also, it is a delicate one, and they have been willing, in seeking an arrangement of this important interest, to give a proof, by the mode, of their very sincere desire to cherish the relations of friendship with her. I have only to add, that I shall be happy to meet your Lordship on these points, as soon as you can make it convenient to you.

I have the honor to be, &c.

JAMES MONROE.

To the President of the United States and the Senate and House of Representatives of the United States of America in Congress assembled, the memorial of the merchants of New York.

Your memorialists beg leave, respectfully, to approach the Government of their country on subjects of great importance, which have affected their minds with the deepest anxiety and alarm.

Confiding in the justice and friendly dispositions of the Government of Great Britain, and entertaining a correspondent expectation that no unusual restrictions would be imposed on neutral commerce, without adequate motives, and the most ample notice—presuming, especially, that commercial enterprises, commenced under the sanction of established principles, would, on no account, be affected by a change of system, your memorialists have employed a vast capital in importing various colonial productions, the surplus of which, exceeding the demands of this country, they have been accustomed to export freely to the different markets of Europe.

After this commerce had been prosecuted without restriction for several years, and had attracted a great proportion of their wealth; after their insurers had assumed immense responsibilities, grounded on an opinion that this trade was strictly regular, having never received the slightest intimation that it could be deemed incompatible with the rights of a belligerent nation, they have been suddenly confounded by the unexpected intelligence of the arrestation on the high seas, of a large portion of their property, which had been embarked with the most unsuspecting confidence.

The feelings of your memorialists are not only excited by the losses which they have actually sustained, in consequence of a measure unsusceptible of previous calculation, but, also, from the state of uncertainty in which they are placed with respect to future commercial operations.

Your memorialists have heretofore believed that commerce between the United States and colonies subject to the enemies of Great Britain, when *bona fide* prosecuted on their own account, would be perfectly safe from interruption; they have also believed that all articles, which might be securely imported into the United States, might be as securely exported, with the exceptions well understood, both in respect to the import and export trade of commerce with places blockaded, or in articles contraband of war.

In a recent interpretation of what is considered by the tribunals of Great Britain as a direct trade between the colonies and the parent countries of their enemies, your memorialists perceive, with concern, the development of a principle which, if conceded on the part of the United States, must prove fatal to their commercial importance.

It is understood to have been decided, that, whenever it appears to be the intention of the importer of colonial produce to export the same to Europe, or whenever it is so exported by the original importer, such intention or exportation shall be evidence of a direct trade, and subject the property, though neutral, to confiscation.

Your memorialists consider it their bounden duty to themselves and their country, to express their most decided opposition to this decision.

As to the evidence arising from the supposed intention of an importer, they readily admit that the great quantities of colonial produce which are acquired by means of the American commerce, exceeding the demand for consumption in the United States, will fairly justify a general presumption that the surplus is ultimately destined for European markets. They assert, however, that the intention of a merchant in respect to the future destination of his property must, from the nature of things, be inconclusive. All plans of business formed by individuals are liable to be affected by circumstances, not to be foreseen or controlled. These plans are therefore necessarily revocable by those who form them, and an intention, which has not been executed, proves nothing more than might justly be inferred from a general presumption, arising from the course of our commerce. To apply such an intention, in a particular case, to the prejudice of an individual; to presume that he has voluntarily incurred an immense risk, which, consistently with the success of his main object, he might have fairly avoided; and to involve him in ruin for prosecuting a trade, which, if undertaken with a different motive, would have been declared lawful, would be, in the opinion of your memorialists, to confound and reverse the best established principles of reason, equity, and law.

Your memorialists contend for no innovations on the law of nations; and, except where special treaties have prescribed a different rule, they admit that they may lawfully be restrained from transporting the property of the parties engaged in war. In the recent decision, which prohibits an importer of colonial produce from exporting it to Europe, they however perceive with concern, either a nugatory and vexatious regulation, or a meditated blow at what they deem an incontestable and valuable right.

Heretofore, there existed clear and obvious circumstances of discrimination between the direct trade which Great Britain has assumed, the right of denying to neutrals, and the indirect or circuitous trade which she admits to be lawful. The direct trade could be performed by a single shipment or voyage, whereas the circuitous trade subjected the property to double freights and insurances, to deductions in favor of the revenue, and various other expenses in this country.

If the arrival of a ship in the country to which it belongs, the landing of the cargo, the inspection of the custom-house, the payment or security of duties, do not terminate a voyage, then we confess our ignorance on a point which, never having been before questioned, has been assumed by us as an acknowledged truth. If the entry for exportation, the embarkation of merchandise, the reinspection of the custom-house, the bond for securing a delivery in a foreign country, and a public clearance, do not indicate the commencement of a new voyage, then we are yet to learn the meaning of the expression. If all the formalities and sanctions established for the security of our revenue; if operations of immense magnitude, transacted with the greatest publicity, and without any motive for concealment, are considered as unreal representations, and merely colorable and fraudulent contrivances to cover an illicit trade between the colonies and the parent countries of the enemies of Great Britain; then it becomes necessary, both in regard to our characters and interests, to inquire whether the new regulations establish a more definite criterion for the discovery of truth. We repel, with indignation, the suggestion that the transhipment of property for a foreign market by the original importer is evidence of fraud or chicane, or that, unsupported by other circumstances, it can justify a suspicion that it is other than neutral. In our opinion, any discrimination between the rights of an importing merchant and a vender in the United States, is manifestly fallacious, as it virtually asserts that the former can only exercise an imperfect dominion over property lawfully acquired and possessed in this country, while, at the same time, he can convey to the latter a title to a privilege not enjoyed by himself. In short, that a trade is unlawful when the advantage is to result to one person, but may be rendered lawful by being participated in by another.

If the new doctrine is executed in the mildest form, its operation must be highly injurious, by originating new questions of litigation, and, of course, subjecting all our commerce to new hazards of interruption. We presume not, however, to comprehend to what extent, or in what manner, the principle will be applied. We perceive that the ancient landmark has been removed, but we seek in vain for a beacon to direct our course. If we inquire whether a *bona fide* sale and delivery of merchandise by an importer, being a citizen, to another known citizen of the United States, for a valuable consideration, will, as in ordinary cases, be conclusive evidence of a transfer of property, the answer is in the affirmative. Then we complain that our ships have been detained, the rates of insurance enhanced, and our property confiscated, for the establishment of a rule, which, when once understood, will become nugatory, and cease to produce any commercial or political effect. If, on the other hand, this evidence is not to be deemed conclusive, we profess ourselves to be utterly at a loss to discover what proofs of ownership and neutrality of property can, with safety, be relied on.

But these embarrassments, though perplexing and vexatious, are not those which principally occasion our solicitude. We are compelled to consider the late decisions of the British tribunals as preliminary steps towards a system for controlling the importations and exportations of colonial productions, and thereby annihilating the most lucrative branches of our foreign commerce.

If we owed this trade solely to the favor of Great Britain, still, we might ask, What urgent motive, what imperious necessity, required that the favor should be resumed at a period when our commerce was spread over the ocean, and when a change so essential might destroy its security, and subject us to incalculable losses?

We deny, however, that the rights of commerce, as claimed by us, are to be deemed favors. On the contrary, if the law of nations is other than a temporary rule, prescribed by an arbitrary will, and enforced by power, then we appeal to its most universal and inviolable principle in our defence. This principle is, that the goods of a neutral, consisting of articles not contraband of war, in a neutral vessel, employed in a direct trade between neutral countries and ports of a belligerent country, not invested or blockaded, are protected.

In the controversies, which have existed, at different times, for extending the privileges of neutral vessels and limiting the grounds of capture, we take no part. We appeal to the old law. If neutral rights can be reduced within more confined limits than this law prescribes, we perceive not how, amidst the collisions of national interests, any neutral commerce can exist, even in our native productions.

If it be intimated that neutrals should be confined to a commerce with such places, and in such articles only, as were allowed in peace by the municipal regulations of the countries engaged in war, the doctrine may be repelled by the notorious fact, that no such principle has governed the conduct of nations during any wars in which they have been engaged; all were free to vary, and all, in fact, have varied their commercial systems. Whatever theoretical opinions may, therefore, have been advanced, there has existed no such practical rule, and to set up such a rule, under the unparalleled circumstances of the present war, must infallibly destroy the commerce of this country.

It is a well known fact that the people of the United States export to foreign countries a greater proportion of the aggregate annual value of the products of their industry, than any other people of the globe; they are, consequently, most deeply interested in the security and freedom of their trade. In short, being almost exclusively an agricultural and commercial people, those parts of our country, which, from recent settlement, or from other circumstances, are wholly agricultural, are more immediately interested than any other, as they are in a greater degree dependent on foreign supplies, and, consequently, most liable to be affected by any vibrations of the commercial system.

As our manufactures do not flourish in proportion to the progress of our population, wealth, and luxury, the necessity of extending our commerce is constantly increasing. The basis of all our trade is the aggregate value of our native productions exceeding what are consumed in the United States. These are exported to various countries, from which we receive supplies for domestic use, or other articles for exportation. A very great proportion of all the results of our commerce with the world centre in the dominions of Great Britain, and we receive almost exclusively from that country our clothing and other necessary manufactures. By the events of the late and present war, many countries with which we prosecuted an increasing trade have been either diverted from manufacturing pursuits, or have been greatly impoverished, or conquered and subjected to the colonial system of Great Britain. With these preliminary facts in view, we request permission to detail some of the most important consequences of the assumed rule, that neutrals may be restrained, in time of war, to their accustomed trade in time of peace. The injustice of such a rule in relation to the United States will be most manifest. The individuals employed in commerce would not alone be affected. All the internal relations of our country would be disturbed. The interests of those districts which are most remote from our principal ports would, in proportion to their dependence on foreign supplies, be most severely depressed.

The effects of war cannot be confined to the countries engaged in war. The value of money, the price of labor, the rates of freight and insurance, are by war enhanced throughout the world. All articles of merchandise, both of export and import, are variously affected in their quantities and value, by new wants, by the relinquishment of former pursuits, and by the new direction which is thereby given to the industry of different nations. Other consequences result from the effects of war; as the impoverishment of some and the aggrandizement of other countries. Also, from the acknowledged right of belligerent nations to interdict commerce in contraband articles, and to institute blockades. This last right is highly injurious to neutrals, as it frequently restrains them from proceeding to the best markets. It is obviously impossible, therefore, to confine the United States in time of war, amidst all these changes and disadvantages, to their accustomed trade in time of peace, without destroying all trade.

If, in consequence of the war, certain articles usually exported from the United States, to countries from which we received necessary supplies, cease to be demanded in those countries, may we not export other articles, and thereby obtain the supplies we need? If articles usually imported into the United States in time of peace cease to be demanded by us in time of war, in consequence of our ability to obtain substitutes which we prefer, shall we be required to renounce our export trade by being forbid to import other articles for consumption or for commerce? or shall we be compelled to receive in exchange articles we do not require? If, in consequence of an increased demand for our exports to particular countries, we obtain in exchange articles of commerce exceeding our domestic wants, shall it be required that the surplus perish in our hands? If Great Britain permits commerce between her subjects and the colonies of her enemies, may we not, with the consent of those colonies, participate in the same commerce? If our commerce with the enemies of Great Britain may now be confined to the system established in time of peace, may we not apprehend that the principle will be retaliated in respect to our commerce with the colonies of Great Britain? In that case, what can ensue but war, pillage, and devastation?

These are not imaginary suppositions. They illustrate the most important principles of our commerce. They evince the necessity of a circuitous trade to enable us to realize the great value of exports in our native productions, by which alone we acquire the power to liquidate the balance against us in our commerce with Great Britain. They demonstrate that the position against which we contend is not a rule of the law of nations. The law of nations ordains no rule which is unequal and unjust.

But, still, we have other and more forcible objections. The concession which is required would deprive us of many advantages connected with our local situation, our enterprise, our wealth, and our fortune; it would require us to divert much of our capital and industry to new employments; it would amount to an abandonment of views as a commercial people, and might involve us in dangerous controversies by a virtual admission that any essential articles of supply may, at the pleasure of a belligerent nation, be placed in a state of inhibition equivalent to being declared contraband of war.

Hitherto we have regarded it as a peculiar felicity, incident to our neutral situation, that it was equally beneficial to ourselves and to all the parties with whom we are connected—the articles exported by us to the enemies of Great Britain being convenient supplies promised to secure to our ships in their ports a welcome reception and hospitable treatment. As the direct returns for these exports were inconsiderable, and as the products were almost exclusively remitted to Great Britain, and there applied in payment for manufactures purchased on our account, we considered ourselves sure of receiving from them at least that degree of protection which was recommended by a regard to mutual interests.

It is, however, with much surprise that we have recently discovered that the very circumstances upon which our hopes of security were reposed, have been urged as arguments to justify an invasion of our rights, and that having totally suppressed the external commerce of her enemies, Great Britain is now counselled to appropriate to herself that of her friends. If it be true that, as exporters of certain articles to the ultimate markets, our interests are in collision with hers, yet it ought to be recollected that it is a particular and minor interest only which suffers, and that the disadvantage is a necessary consequence of her colonial system; that the general results of our commerce are greatly in her favor; that they invigorate her manufacturing interests, which are the great basis of her wealth; and that these interests can never be promoted by the impoverishment of her best customers. Surely the security of neutral rights ought not to diminish as their value is augmented; surely a maritime preponderancy, which enables its possessor to blockade any of the ports of its enemies, conveys no just title to a monopoly of the commerce of the world!

In the list of our complaints, we cannot forbear to enumerate the humiliating and oppressive conduct of ships of war in the vicinity of our coasts and harbors. We respect the principle, and emulate the conduct of Great Britain, in regard to her own jurisdiction, and we wish merely to claim to ourselves the same measure of justice which she exacts from others. But while we contend that we ought not to be exposed to humiliating inquisitions in the verge of our port, which, by means of secret connexions with our city, may be rendered conducive to the indulgence of partiality, favor, or malice, we disavow any wish to divest the belligerent nations of their rights. If, in particular instances, the American flag, and the character of an American merchant, have been prostituted to unworthy purposes, we declare the individuals thus guilty to be our enemies, and we wish not to screen them from the just consequences of their misconduct. We also assert, that a comprehensive view of our commerce affords conclusive evidence that, of the property circulated through this port, the proportion which can possibly belong to the enemies of Great Britain is an object unworthy the attention of a great Power, especially if, in a rigorous pursuit of its strict rights, it incurs the hazard of forfeiting the esteem of its friends.

If, therefore, the mode in which the American commerce is prosecuted is allowed by the law of nations; if irrefragable evidence arises from our situation, wants, and necessary connexions with the rest of the world, that it is almost exclusively grounded on American capital; if the suggestions that we are the mere agents of foreigners are ungenerous insults, contrived as apologies for injuries; if frauds in relation to foreign trusts are not more frequent in this country than in Great Britain, and if no Government is able wholly to prevent them, then our conclusion in the present, as in all other cases, ought to be deduced from general facts, and not from particular exceptions. This conclusion is, that the American commerce is one of the great links which connect those interests of civilized nations which wars ought not to disturb; that, to break this link, will be to destroy all commerce, and, therefore, that a serious misunderstanding with Great Britain would prove fatal to the most important interests of both countries.

This view of the subject, while it excites our anxiety, furnishes also a resource for our hopes. We wish only for justice; and believing that a commercial nation which disregards justice thereby undermines the citadel of her power, we rely on the effect of mutual interests and wishes in promoting a cordial explanation, and fair adjustment of every cause of misunderstanding; in particular, we rely on the Government of our country that our rights will not be abandoned, and that no argument in favor of an usurpation will ever be derived from our acquiescence.

If our personal interests and local attachments have not greatly misdirected our opinions, the defenceless situation of the port of New York ought to excite the anxious solicitude of every friend of his country; our river is the only commercial avenue to a fertile and populous country, which is rapidly rising into importance; it is here that *one-third* of the revenue of the Union is collected, and this proportion is understood to be relatively increasing. But, while we are grateful for these distinguished advantages of nature, our satisfaction is diminished by reflecting on their insecurity: for, in proportion as the resources of our country accumulate to this point, is the hazard that they may present a temptation to rapacity, and become the prize of violence. Without recurring to the experience of past times for proofs, that no nation can long maintain an extensive commerce without well defended seaports and an efficient military marine, we are admonished, by the new and portentous aspect of Europe, and the alarming prevalence of piracy in the West Indies, that energetic measures of defence have become indispensibly necessary.

We presume not to express any opinion respecting the degree of force of which the permanent navy ought to consist, and being sensible that delay must attend the construction of suitable defences for our port, we shall rest satisfied when we perceive that these measures are commenced in a manner, and upon a scale, which will assure to us an efficient completion.

Such, however, is the present organized force of the United States, that we should consider it as inconsistent with the honor, interests, or security of our country, to parly with the pirates of the West Indies, whose conduct being inconsisttent with any known rules of lawful warfare, cannot have been authorized by any civilized nation towards another nation in a state of peace. Our vessels, while pursuing a lawful trade, have been piratically seized; their cargoes have been forcicibly taken away and distributed, without even the form of a trial; the vessels, in many instances, sunk and destroyed, the crews stripped of all their property. All these outrages have been exercised on innocent and defenceless men, aggravated by unprecedented circumstances of insult, oppression, and barbarity. Some of these violences have been committed on vessels which were captured within sight of our harbors; and the great scene of these unparalleled enormities is the island of Cuba, which commands the only avenue by which we preserve a commercial connexion with our brethren of the Western States; a connexion which we cherish with ardor, as a source of mutual advantage and a bond of permanent union.

But it is not on account of our pecuniary losses alone that we complain. The constancy and valor of the seamen of the United States are justly themes of patriotic exultation; from their connexion with us we consider their cause as our cause, their rights as our rights, their interests as our interests. Our feelings are indignant at the recital of their wrongs, and we request, in addition to the protection of a naval force, that, at least in the American seas, our brave countrymen may be permitted to display their energy in their own defence.

Your memorialists conclude with remarking that they deem the present situation of public affairs to be peculiarly critical and perilous, and such as requires all the prudence, the wisdom and energy of Government, supported by the co-operation of all good citizens. By mutual exertions, under the benign influence of Providence, upon this hitherto favored nation, we hope the clouds which threaten to obscure its prosperity may be dispelled, and we pledge our united support in favor of all measures adapted to vindicate and secure the just rights of our country.

Signed by the unanimous order and on behalf of a general meeting of merchants, convened on the 26th December, 1805, at the Tontine Coffee House in the city of New York.

JOHN BROOM, *Chairman.*

NEW YORK, *December* 26, 1805.

To the President of the United States, and the Senate and House of Representatives of the United States of America, in Congress assembled; the memorial of the merchants and traders of the city of Philadelphia:

At a moment of distress and a season of solicitude, resulting from a novel and peculiar affection of the commercial interests of their country, your memorialists, as composing a great proportion of that interest in one of the principal commercial cities of the United States, submit to you the following considerations:

Under the influence of a form of Government calculated to inspire confidence in the security of our acquisitions, and with a reliance upon the authority of the nation for protection and support in all lawful enterprise, the commerce of the country has increased in a manner almost unparalleled, and has widely extended a spirit of enterprise, which has added to the stock of private wealth, and enriched the Treasury of the nation.

By the existence of war in Europe, and our neutral standing with the belligerents, our commerce was naturally and necessarily favored and flourishing. Conducted upon fair and honorable principles, our trade wanted no privilege but the just privilege of its neutral character, and it needed no favor but that which had been yielded by the universal consent of civilized nations. But this privilege, we conceive, has been denied to us, and a jealousy of our enterprise and prosperity has excited a design of checking the commercial growth of our country; the fruit of which has been an attempt to innovate upon ancient and approved principles, and to introduce unheard-of articles and provisions into the code of public law. Of this design, of its origin and extent, your memorialists are not left in doubt, when they consider the course and nature of the spoliations which have been committed on the American commerce.

For a time, your memorialists were disposed to regard the violence committed on the vessels and merchandise of the citizens of the United States as the unauthorized acts of lawless individuals; for the fact was well known, that many French and Spanish cruisers were on the ocean without legal commissions, who seized without authority, and robbed without even the form of trial. They were aware that many instances of violated rights were within the knowledge of the Government, and anticipated the adoption of measures calculated to put a stop to the growing mischief. They, moreover, reflected that, during a war between powerful maritime States, it is the unavoidable lot of the neutral to incur loss and suffer inconvenience, even from a fair exercise of the rights of the belligerent; and to be exposed to imposition and outrage, practised sometimes with the color of authority, and sometimes in despite of both law and humanity. Resting, however, with confidence, upon the protection which they regarded their Government as bound to afford to the fair and lawful trader, they submitted to the present inconvenience, and referred themselves to that protecting principle, and to the integrity of the superior tribunals before which the seizures of their property would be finally considered, as the sureties of a certain though distant retribution.

It becomes your memorialists to state, that the pressure of these evils has greatly increased, and that others of even superior magnitude have arisen, which assume a most alarming and distressing form. What were considered as irregularities, unsusceptible of prevention, have, by continuance and success, strengthened into regular and systematic plunder. What were regarded as mischiefs incident to a state of war, temporary, though not remediless, are vindicated upon the ground of right, and their practice is reiterated under the authority of Government, and receives the solemn sanction of the law. They, moreover, foresee, in the prevalence of the principles, and in the continuance of the practices alluded to, nothing but the ruin of individuals, the destruction of their commerce, and the degradation of their country.

Could the judgment, or even the charity, of your memorialists, see in the new doctrines of the British Court nothing but the revival and enforcement of an ancient and established principle, which friendship had relaxed or favor permitted to slumber, they might regret the departed good, but could impute no injustice to the hand that withdrew it. They are struck, however, with the novelty of these doctrines; their unequivocal hostility to neutral interest and rights; their inconsistency with former declarations of their Ministry and decisions of their courts, and with the extraordinary time and manner of their annunciation.

In the reflection that the great code of the laws of nations presents a system of reason and right, approved by the unimpassioned and disinterested judgment of the civilized world, neither tempering its provisions to the wants or demands of an imperious belligerent, nor yet giving aid to the crooked subtleties of unfaithful neutrality, your memorialists have conceived the rights of their nation, as a neutral, to stand upon unchangeable ground. These rights, they cannot but believe, extend to a free and uninterrupted commerce, with their own goods in their own vessels, with other neutrals, if admitted by their laws, or with the belligerents themselves, subject to the received regulations relating to blockade, and to articles contraband of war. The established restrictions on the points just mentioned, with the right of examination and search, have been reasonably considered as giving to the belligerent the most ample security against the infidelity or cupidity which would lend a covert assistance to his antagonist. The policy and interested views of a single State may call for severities against neutral commerce, which are neither commanded of right, nor sanctioned by usage; but the principles of public law cannot vary with the purposes of the politic, nor shift with the designs of the interested. That policy, not justice—that interest, not fair and admitted precedent, have given birth to the principle that neutrals should be restricted to the same commerce with a belligerent, which was allowed to them by that Power in the time of peace, is conceived, by your memorialists, to be true. Incompatible with the general freedom of neutral commerce, this rule has the sanction of no common observance by civilized nations, and cannot bear that faithful test which every fair and righteous principle of the law of nations will abide. Against the soundness of the principle itself, it is also to be observed, that its advocates, instead of tracing its currency from age to age, point to the war of 1756, as the era of its discovery; and, instead of stamping its validity by the concurrence of the civilized world, indicate its fallibility by a labored detail of their own relaxation and contraction of the rule.

The effect of this novel principle upon neutral interests is of the most serious and alarming character. It goes to nothing short of the destruction of neutral commerce, and, from the well-known neutral situation and character of the United States, to nothing short of inflicting a most deep and deadly wound upon their trade.

But your memorialists cannot but consider, that this principle has not the weight of a consistent and uniform support by the Government which professes to uphold it. In 1801, the declarations of its Ministry and the decisions of its courts were unequivocally, "that the produce of the colonies of the enemy may be imported by a neutral into his country, and be re-exported from thence, even to the mother country of such colony;" and, also, "that landing the goods, and paying the duties in the neutral country, breaks the continuity of the voyage, and is such an importation as legalizes the trade, although the goods be re-shipped in the same vessel, and on account of the same neutral proprietors, and forwarded for sale to the mother country." In 1805, it is decided, that landing and paying duties does not break the continuity of the voyage, and that the course of trade pointed out to the neutral four years before, as legal and safe, is now unsatisfactory to the belligerent, and attended, infallibly, with confiscation. What clear and immutable principle of the laws of nations can that be, your memorialists would ask, which is supported by the High Court of Admiralty, and avowed by the Ministry in 1801, and which is prostrated by the Ministry and the High Court of Appeals in 1805? Such a principle must be considered as partaking rather of the shifting character of convenience, than of that of permanent right and established law.

The time and manner of announcing it accord with the principle itself. At a moment when mercantile enterprise, confiding in the explanations on this point given by the British Ministry to our Ambassador, was strained to the utmost, a new decision of the court of appeals is announced, and every sail is stretched to collect the unwary Americans, who are unsuspectingly confiding in what was the law of nations.

After this view of the principle itself, your memorialists would state, that it has received a vigorous and active enforcement. Under this pretence, many American vessels, with cargoes unquestionably American, have been carried into the ports of Great Britain, charged with a departure from neutral character in this important particular. Some have, indeed, been liberated, after long delay, and with great expense; but many are still detained, without a clear understanding of the precise grounds of detention.

On this interesting point, your memorialists refer themselves, with confidence, to the wisdom and the honor of their Government. In the principles they have here submitted to your consideration, they feel all the confidence of justice, and all the tenacity of truth. To surrender them, they conceive, would derogate from the national character and independence of the United States. From the justice of Government, they hope for their avowal; from the spirit of Government, they hope for their defence; and from the blessing of Heaven, they hope for their establishment.

The attention of Government is also solicited by your memorialists, to other embarrassments of their commerce, and to inconveniences deeply affecting the trading interest of the United States, in a different quarter. With a forbearance seldom exercised under like circumstances, the merchants of this country have expected retribution for the injuries imposed upon them by another nation. Instead of receiving this retribution, fresh injuries have been inflicted; and, even during the existence of the present war, adjudications, which outrage every principle of justice, have passed in the courts of Spain on American property. From the Government of that country, between whom and the United States there exists a treaty of friendship and commerce, we had the right to expect, within her ports and jurisdiction, perfect safety and protection. Instead of receiving them, it is too notorious that we have experienced from the officers of that Government, when applied to, the most mortifying inattention; and that, in entire derogation of our treaty, we have been the pointed objects of their neglect and injustice. The severity of this case is increased by the consideration, that, at the time of its occurrence, the very country at whose hands this injustice has been experienced, stood indebted to us for supplies essential to subsistence, and for giving currency and value to its products. Under this head it deserves also to be mentioned, as a point not beneath the notice of Government, that in our own ports, and under your own eyes, public officers of that nation have had the confidence to extort from our merchants fees and emoluments unprecedented and unreasonable.

In detailing the general distresses of our commerce, your memorialists must also remark, that the license of pirates and plunderers in the West Indies has become almost unbounded; and that the defenceless and unprotected state of our shipping exposes it to the most outrageous ravages of the daring and unprincipled. That our seamen should be exposed to the meanest insults, and most wanton cruelties, and the fruits of our industry and enterprise fall a prey to the profligate, cannot but excite both feeling and indignation, and call loudly for the aid and protection of Government. That a belligerent Power should depart from the common and accustomed course of examining the ships of the neutral, on the high seas, as chance or vigilance should give the opportunity of search, and should station its vessels of war at the entrance of our ports and harbors, to scrutinize everything that enters or departs, must also be regarded as attaching reproach to the fairness of our neutral conduct, and is by no means compatible with our dignity or our rights.

Since your memorialists have directed their attention to Government on the subjects herein submitted, they have seen with astonishment a proclamation issued by General Ferrand, an officer of the French Government commanding at the city of St. Domingo, in the island of Hispaniola, which they regard as declaratory of the most outrageous and hostile intentions. As an act of an authorized agent (an officer of Government) it is considered as without a parallel. Taken in its obvious extent, it gives authority to vessels in French commission to carry in all Americans they meet with, because the terms of the proclamation are so indefinite as to leave everything to the discretion of the cruiser. Experience has too fatally proved, that property once taken into their ports is irretrievably lost.

If this proclamation have issued under the authority of the French nation, it can only be considered as a declaration of war. If it be ultimately disavowed by the Government of this agent, it must be at a distant point of time, when mischiefs great and ruinous may have been done under its authority. It is to prevent these mischiefs that your memorialists solicit the attention of Government, and respectfully suggest, that this extraordinary measure might be speedly counteracted by our national force.

Under the pressure of this state of things, your memorialists have thought proper freely to make known to their Government the injuries sustained and apprehended by the commercial interest of the country. They feel themselves bound to address to you their firm persuasion, that the amount of losses sustained by the merchants of the United States, from unlawful depredations, would, of itself, be sufficient to defray the expense of an armament adequate to the protection of their commerce. As citizens, they claim protection; and they conceive that the claim is enforced by the consideration, that from their industry and enterprise is collected a revenue which no nation has been able to equal, without a correspondent expense for the protection of the means.

After this fair and candid statement of the distress and exposure of the commerce of the United States, your memorialists cannot but feel and express extreme solicitude for the possible event. In perfect confidence that their foreign commerce was sheltered not only by the law of nations, but by existing treaties, with some of the belligerents and by the explanations given to the public law by another, they have extended it to every sea, with no other security than a reliance upon those treaties and explanations. It is, of course, defenceless, and liable to arrestation by the most inconsiderable force. It may, then, be naturally supposed, that your memorialists look, with anxiety, to the remedies which may be applied to these pressing evils. To preserve peace with all nations is admitted, without reserve, to be both the interest and the policy of the United States. They, therefore, presume to suggest, that every measure, not inconsistent with the honor of the nation, by which the great objects of redress and security may be attained, should first be used. If such measures prove ineffectual, whatever may be the sacrifice, on their part, it will be met with submission. But whatever measures may be pursued by their Government, your memorialists express their firmest faith that every caution will be used to preserve private property and mercantile credit from violation.

With these observations, submitted with deference and respect to the President and representative body, it remains only to add the hope of your memorialists, that, on subjects of such deep and extensive concern, such measures will be adopted as consists with the honor and interests of the United States. THOS. FITZIMONS, *Chairman.*

R. E. Hobart, *Secretary.*
Jan. 16, 1806.

[Here follows an exhibit of captures by the belligerent Powers of property insured by the insurance offices in Philadelphia.]

To the Hon. James Madison, Secretary of State of the United States : the memorial of the merchants of Newburyport and vicinity, respectfully represents :

That, while pursuing a just and legal commerce, we have suffered great and aggravated losses from unwarrantable depredations on our property by several belligerent Powers of Europe. In conducting our commerce we have endeavored strictly to conform ourselves to the laws of nations and existing treaties, to the regulations of our own Government, and to those of the belligerent Powers; yet, nevertheless, our property has, in various instances, been taken from us on the high seas, in a piratical manner; in some others it has been seized by the cruisers of one nation, carried into the ports of another, and there embezzled with scarcely the semblance of a trial; and in many cases our vessels and cargoes have been captured, tried, and condemned in courts of law, under unusual and alarming pretences, which, if permitted to continue, threaten the ruin of our commercial interests.

So far from obtaining redress of our grievances, by the ordinary modes and process of law, we have in most cases been subjected to heavy costs, and suffered embarrassing and distressing detention of property, even where no pretence could be found to authorize the seizure of it.

In this alarming situation of our commercial affairs, both our duty and interest strongly urge us to embrace the earliest opportunity to communicate to the constituted guardians of our rights, such facts and documents as may enable them effectually to demand indemnification for past losses, and security from future aggressions.

You will, therefore, have the goodness, as soon as may be, to lay before the President of the United States the enclosed list of losses sustained by the merchants of Newburyport and vicinity, together with the memorial.

Having sustained these losses and injuries in the prosecution of our lawful commerce, and in the exercise of our just rights, we rely with confidence on the wisdom, firmness, and justice of our Government, to obtain for us that compensation, and to grant to us that protection which a regard to the honor of our country, no less than to the rights of our citizens, must dictate and require.

We have the honor to be, very respectfully, sir, your obedient servants,

WILLIAM BARTLETT,
MOSES BROWN,
WILLIAM FARIS,
JOHN PEARSON,
EBENEZER STOKERS,
STEPHEN HOWARD,
EDWARD TOPPAN.

[Here follows a list of losses sustained by the merchants of Newburyport and vicinity, by depredations of the belligerent Powers of Europe.]

Commonwealth of Massachusetts :
Port of Newburyport.

By this public instrument of protest, be it known and made manifest, that, on this second day of December, in the year of our Lord one thousand eight hundred and five, and in the thirtieth year of the independence of the United States of America, personally came and appeared before me, Michael Hodge, notary public, by legal authority admitted and sworn, dwelling in the town of Newburyport, in the Commonwealth aforesaid, William Morris, master of the brig Lucretia of Newburyport, William Kloot, mate of the said brig, who, being duly sworn according to law, did severally solemnly and sincerely depose, testify, and declare, that they sailed in the said brig Lucretia, from Newburyport, on the 24th day of August last past, laden with a cargo suitable for the West India market, and bound for the island of Martinico. That on the 20th day of September following, being then in latitude twenty-one degrees north, and longitude fifty-eight degrees west, they saw, at five P. M., a brig bearing southeast, steering, northwest; at half-past five they fired a gun, were brought to, hailed, and ordered Captain Morris to veer round under his stern, and he would send on board his boat, which he accordingly did, and took Captain Morris out of the brig, and left a prize-master and one man on board the Lucretia; at about half-past six P. M., they again sent their boat on board with four more men, armed with pistols and cutlasses; they went immediately below, and began to break open everything in their way, in search, as they said, for naval stores, though it evidently appeared plunder was their object. They robbed the brig of all her new canvass, all her candles, pump-nails, locks, and gimlets, all the beans, coffee, and tea, and all the cabin stores. They broke open the medicine chest, and took several things out of it; they went down into the run, broke open several boxes of sweet oil, and broke a number of the bottles, took half a tierce of bread, several buckets of potatoes, and the bucket. They also robbed the said William Morris, the master, of his watch, great-coat, a new pair of boots, a new hat, and a pair of blue trowsers; they also robbed the mate, William Kloot, of twenty-three pair of shoes, twenty-four morocco skins, and one pair of trowsers, and the cooper of eighty pair of shoes, and all the people's clothing they could find. That at about ten o'clock, they took William Gilbert, one of the Lucretia's hands, and tied him up to the main rigging; they presented a pistol to the said mate, and declared that if he offered to move, or to speak, they would blow his brains out; they twice went with the plunder they took, and returned the third time, and Captain Morris with them, it being then about eleven o'clock, bringing with them clubs, instead of their weapons, as before; that they began plundering again and, on the people's entreating them to leave their clothing, they began to beat them with their clubs, and three of the people were most inhumanly beaten; that they struck Captain Morris twice with their boat's tiller, in his face, for only requesting them to cease plundering them any more; that during all this time, they on board the armed brig kept up a constant firing with their musketry. That at about midnight, they permitted the Lucretia to proceed on her voyage. That the brig which abused and plundered them carried eighteen or twenty guns, from Africa bound to Jamaica; they told Captain Morris the brig's name was the Andromeda, of London, commanded by Captain Carrol. Wherefore, the said William Morris, the master as aforesaid, doth require me, the said notary to protest. I, the said notary, do, therefore, at the request aforesaid, and on behalf of the said William Morris, the master as aforesaid, and of the owner or owners, shippers, freighters, insurers, and all others in any wise concerned or interested in the said brig Lucretia, or her lading, as aforesaid, or any part thereof, solemnly protest against the owners, captains, officers and crew of the said brig Andromeda, for the robbery of the said brig Lucretia, by the boat's crew of the said Andromeda, as is particularly set forth in the body of this protest, and their abusive and inhuman conduct while on board the said Lucretia, for all losses, costs, charges, damages, and expenses whatsoever, had, borne, suffered and sustained, or to be had, borne, suffered, and sustained by the said master, owner or owners, shippers, freighters, insurers, and all others in anywise concerned or interested in the said Lucretia, or her lading, as aforesaid, or any part thereof, for, or by reason of, the matters and things as aforesaid. Thus done and protested at Newburyport, in the Commonwealth aforesaid. In faith and testimony whereof, as well the said William Morris, and William Kloot, the deponents, as I, the said notary, have to these presents subscribed our names. And I, the said notary, have hereunto set my hand, and affixed my notarial seal, at Newburyport aforesaid, the day, month, and year aforesaid.

WILLIAM MORRIS.
WILLIAM KLOOT.

M. Hodge, *Notary Public.*

Commonwealth of Massachusetts, *Essex*, ss:

Be it known, that the foregoing on this sheet, is a true copy of a certain protest, entered of record in the office of me, the aforesaid Michael Hodge, as notary public as aforesaid.

In testimony whereof, I have hereunto set my hand, and affixed my notarial seal, at Newburyport aforesaid, this fifth day of December, in the year of our Lord one thousand eight hundred and five.

M. HODGE, *Notary Public.*

Charleston, (S. C.,) *June* 12, 1805.

To the honorable James Madison, Esq., Secretary of State of the United States:—The memorial of the President and Directors of the South Carolina Insurance Company, and of the merchants and others interested in the commerce of the City of Charleston, respectfully showeth:

That your memorialists are deeply affected by the recent capture, at the very entrance of this port, of the American ship Two Friends, by a French privateer. This event has excited among all classes of citizens the strongest sensations, not only because the said ship was captured without any color of pretence, within sight of land, but because she is our only regular London trader, and had on board a full supply of Spring and Summer goods. The distress and anxiety occasioned by these circumstances are greatly enhanced from our having been hitherto deprived of our Spring supplies, and from an anticipation of the consequences justly to be apprehended from a continuance of similar outrages, should not the most prompt and effectual measures be adopted for the protection and security of our commercial interests. Your memorialists are authorized to add (although the fact be not detailed in the protest) that it appears, from undoubted authority, that the magnitude of the prize was the sole inducement of the above-mentioned capture, the captors having said that they would release the Two Friends, in the event of their falling in with any other valuble prize, which might be more worthy of their notice.

This most extraordinary capture, in direct violation of our treaty with France, (as appears by the accompanying documents, has already been followed by events no less alarming, our harbor being at this moment completely blockaded by three French privateers, (and more are daily expected,) which examine all vessels coming in and going out of this port, and either detain or release them, according as their value excites the cupidity of the cruisers.

This degrading state of our harbor has necessarily raised the premiums of insurance, thus forcing additional sums from the pockets of our citizens, has advanced the price of every commodity, and created a distressing stagnation of our exports; for the merchants, not receiving their goods from abroad, are incapacitated from purchasing the produce of the country. Among these deplorable effects of the defenceless and humiliating condition of our commerce may be, moreover, enumerated the immense loss of duties, those in the ship Two Friends alone being estimated by the collector at forty-five thousand dollars.

Your memorialists have the best reasons for believing that this early success, experienced by these French privateers, will immediately allure others in swarms to our coast and bar, to the total ruin of private mercantile concerns, and the most fatal defalcation of the public revenue. Your memorialists have no less ground for apprehending that British cruisers, availing themselves of the absence of domestic protection, will, under the color of expelling the French, assume and occupy their ground, and either retain us in the same degraded state, harassing our vessels by searches and detention, or subject us to the disgraceful and mortifying obligations of gratitude for alien succor and relief.

Your memorialists are the more alarmed at these depredations, because much valuable property is still expected this summer from other quarters than London, and considerable importations will be looked for in the fall, for our winter supplies; and should there not be an early and effectual check to these aggressions, should our fall importations be also interrupted, the calamities of the last year—produced by the hurricane, and other causes—in which this city has largely participated, would be aggravated to such an extent as to eventuate in general ruin. And these just alarms and apprehensions of your memorialists are heightened by the well known circumstance of many of the cruisers which infest our shores, belonging to St. Jago de Cuba, and Baracoa, in which receptacles, our vessels and their cargoes, with the knowledge of the Government of Cuba, are instantly sold, without any condemnation whatever, or even the formality of a trial, thereby precluding every future possibility of redress.

Your memorialists avail themselves of this occasion to notice a late decision of the district court within this State, grounded on an act of Congress, whereby the territorial jurisdiction of the United States is limited to the short distance of three miles, or a marine league from the coasts or shores, which, by the said court, is construed to mean three miles from the land; consequently, the middle channel of our bar, being more than three miles distant from the nearest land, is pronounced by judicial authority to be without the jurisdiction of the United States. The very entrance of our harbor, in full sight of the city, where vessels are frequently obliged to anchor while waiting for a tide, and with a pilot on board, is, by our own tribunals, acknowledged to be without the protection of our Government!

Your memorialists refrain from commenting on the pernicious effects of a system of policy so pregnant with dishonor and ruin to the trade and navigation of the United States at large, but more particularly to those of Charleston, from the geography of whose shores, and peculiar local situation of whose bar and harbor, every vessel in her ingress and egress, is thus subjected to search, detention, or seizure, and content ouselves with a bare statement of the above grievances, superadded to so many others. Not doubting that the President will take the same into consideration, and, being duly impressed with the necessity of some early remedial arrangement, either of a legislative or diplomatic nature, will recur to such as may appear most conducive to the desired end.

Your memorialists, having thus exhibited but an imperfect view of our ruinous, unprotected, and degraded situation rely with confidence on the prompt interposition of the President, to obtain, by representations to the Ministers of France, or of Spain, (in the event of the Two Friends being carried to a Spanish port,) restitution of the said ship and her cargo, and to cause a stop to be put to similar spoliations. And your memorialists, further, most earnestly solicit some immediate and effectual naval protection for our harbor and shores, together with such other measures as the National Councils in their wisdom may deem expedient, as well for prevention of the renewal of the outrages we have sustained, as for the permanent safety and protection of our commercial and navigating rights and interests.

In behalf of the South Carolina Insurance Company, and one hundred and six others.

THOS. CORBETT, *President.*

Memorial of the merchants and traders of the city of Baltimore to the President of the United States, and the Senate and House of Representatives of the United States of America, in Congress assembled.

Your memorialists beg leave, respectfully, to submit to your consideration the following statement and reflections, produced by the situation of our public affairs, in a high degree critical and perilous, and peculiarly affecting the commerce of their country.

In the early part of the late war between Great Britain and France, the former undertook to prohibit neutral nations from all trade whatsoever with the colonies of the latter. This exorbitant pretension was not long persisted in. It was soon qualified in favor of a direct trade between the United States and these colonies, and some years afterwards was further relaxed in favor of European neutrals. The United States being thus admitted, by the express acknowledgment of Great Britain, to a direct trade, without limit, between their own ports and the colonies of the opposite belligerents, another trade naturally and necessarily grew out of it, or rather formed one of its principal objects and inducements. The surplus colonial produce beyond our own consumption, imported here, was to be carried elsewhere for a market; and it was accordingly carried to Europe, sometimes by the original importer, sometimes by other American merchants, either by the vessels in which the importation was made, or in others. In the course of this traffic, it was understood to be the sense of Great Britain, and was explicitly declared by her courts of prize, that, although she had not expressly allowed to the merchants of the United States, by the letter of her relaxations, an immediate trade between the colonies of her enemies and the markets of Europe, a circuitous trade to Europe, in the production of these colonies, was unexceptionable; and that nothing more was necessary to make it so, than that the continuity of the voyage should be broken by an entry and payment of duties, and the landing of the colonial cargo in the United States. During the greater part of the late war, and the first years of the present, this trade was securely prosecuted by our merchants in the form which Great Britain had thus thought fit to give to it.

The modification of a traffic, in itself entitled to be free, was submitted to on our part without repining, because it presented a clear and definite rule of conduct, which, although unauthorized in the light of a restriction, was not greatly inconvenient in its practical operation; and your memorialists entertained a confident hope, that while, on the one hand, they sought no change of system by which the assumption of Great Britain to impose terms, however mild in their character and effect, upon their lawful commerce, should be repelled; on the other hand, it would not be desired that the state of things which Great Britain had herself prescribed, and which use and habit had rendered familiar and intelligible to all, should be disturbed by oppressive innovations; far less that these innovations should, by a tyrannical retrospection, be made to justify the seizure and confiscation of their property, committed to the high seas, under the protection of the existing rule, and without warning of the intended change.

In this, their just hope, your memorialists have been fatally disappointed. Their vessels and effects, to a large amount, have lately been captured by the commissioned cruisers of Great Britain, upon the foundation of new principles, suddenly invented, and applied to this habitual traffic, and suggested and promulgated, for the first time, by sentences of condemnation; by which unavoidable ignorance has been considered as criminal, and an honorable confidence in the justice of a friendly nation pursued with penalty and forfeiture.

Your memorialists are in no situation to state the precise nature of the rules to which their most important interests have thus been sacrificed; and it is not the least of their complaints against them that they are undefined and undefinable, equivocal in their form, and the fit instruments of oppression by reason of their ambiguity.

Your memorialists know that the circumstances which have heretofore been admitted, to give legality to their trade in colonial productions, with their European friends, protect it no longer. But they have not yet been told, and are not soon likely to learn, what other circumstances will be suffered to produce that consequence. It is supposed to have been judicially declared, in general, that a voyage undertaken for the purpose of bringing into the United States the produce of the belligerent colonies, purchased by American citizens, shall, if it appears to be intended that this produce shall ultimately go on to Europe, and an attempt is actually made to re-export and send it thither, be considered, on account of that intention, as a direct voyage to Europe, and therefore illegal, notwithstanding any temporary interruption or termination of it in the United States.

Your memorialists will not here stop to inquire upon what grounds of law or reason the same act is held to be legal, when commenced with one intention, and illegal when undertaken with another. But they object, in the strongest terms, against this new criterion of legality, because of its inevitable tendency to injustice, because of its peculiar capacity to embarrass, with seizure, and to ruin, with confiscation, the whole of our trade with Europe in the surplus of our colonial importations.

The inquiry which the late system indicated was short and simple, and precluded error on all sides; but the new refinement substitutes in its place a vast field of speculation, overshadowed with doubt and uncertainty, and of which the faint and shifting boundaries can never be distinctly known.

Intention, as to the object of our colonial voyages, may be inferred from numerous circumstances, more or less conclusive. To anticipate them all is obviously impracticable, and of course to guard against the inference in this respect, which British captors and British courts may be disposed to draw, will be impossible. Our property is therefore menaced by a great and formidable danger, which there are no means of eluding; for, even if it should chance to escape the condemnation which this pernicious novelty prepares for it, the wound inflicted upon our commerce by arrestations on suspicion, and detentions for adjudication, will be deep and fatal. The efforts of our merchants will be checked and discouraged by more than ordinary inquisitions; our best concerted enterprises broken up, without the hope of retribution, or even reimbursement for actual costs, upon the footing of an intention arbitrarily imputed; and the only alternative which will be presented to our choice will be, either to refrain at once from a traffic which enriches our country while it benefits ourselves, or to see it wasted, and in the end destroyed by a noxious scheme of maritime depredation.

Your memorialists are the more alarmed by this departure from a plain and settled rule, in favor of a pliant and mysterious doctrine, so eminently suited to the accomplishment of the worst purposes of commercial jealousy, because the injurious and vexatious qualities of the substituted rule must have been known to those who introduced it, and because, if these qualities did not recommend it to adoption, it is difficult to conceive why it was adopted at all. If it is meant that our trade to Europe shall, notwithstanding this rule, be allowed to continue without being subjected to extraordinary difficulties, operating as actual reductions and mischievous restraints; if it is meant that a few facts, known and comprehended, shall, as heretofore, form a standard by which the lawfulness of our European voyages may be unequivocally ascertained; if a wide range has not been designed for the inquiry after intention, and a real effect expected from that inquiry; if, in a word, the late regulation has not been supposed to be capable of bearing on our trade, in a manner new and important, we should hardly have now been called upon to remonstrate against a change. It is not pretended that the rule now enforced against us is levelled against any practice to which we may be supposed to have lent ourselves, of distinguishing as our own the property of the enemies of Great Britain. That is not its object; and if it were, we are enabled to assert, solemnly and confidently, that our conduct has afforded no ground for the injurious suspicion which such an object would imply. The view is professedly to regulate and affect our traffic in articles fairly purchased by us from others, and if the consequences to that traffic were not intended to be serious and extensive, and permanent, your memorialists search in vain for the motive by which a State, in amity with our own, and moreover, connected with it by the ties of common interest, to which many considerations seem to give peculiar strength, has been induced to indulge in a paroxysm of capricious aggression upon our rights, by which it dishonors itself without promoting any of those great interests for which an enlightened nation may fairly be solicitous, and which only a steady regard for justice can ultimately secure. When we see a powerful State in possession of a commerce, of which the world affords no examples, endeavoring to interpolate into the laws of nations casuistical niceties and wayward distinctions, which forbid a citizen of another independent commercial country to export from that country what unquestionably belongs to him, only because he imported it himself, and yet allow him to sell a right of exporting it to another; which prohibit an end because it arises out of one intention, but permit it when it arises out of two; which dividing an act into stages, search into the mind for a correspondent division of it in the contemplation of its author, and determine its innocence or criminality accordingly; which, not denying that the property acquired in an authorized traffic, by neutral nations from belligerents, may become incorporated into the national stock, and under the shelter of its neutral character, thus super-induced, and still preserved, be afterwards transported to every quarter of the globe, reject the only epoch which can distinctly mark that incorporation, and point out none other in its place; which, proposing to fix with accuracy and precision the line of demarcation, beyond which neutrals are trespassers upon the wide domain of belligerent rights, involves every thing in darkness and confusion: there can be but one opinion as to the purpose which all this is to accomplish.

Your memorialists have endeavored, with all that attention, which their natural anxiety was calculated to produce, to ascertain the various shapes which the doctrine in question is likely to assume in practice, but they have found it impossible to conjecture in what way, consistently with this doctrine, the excess of our imports from the belligerent colonies can find its way to foreign markets. The landing of the cargo, and a compliance with all the forms and sanctions, upon which our revenue depends, will not so terminate the voyage from the colonies, as that the articles may be immediately re-exported to Europe by the original importer. But if they cannot be exported immediately, what lapse of time will give them a title to be sent abroad, and if not by the original importer, how is he to devolve upon another a power which he has not himself? And if by a sale he can communicate the power, by what evidence is the transfer to be manifested, so as to furnish an answer to the ready accusation of fraud and evasion? In proportion as this doctrine has developed itself, it has been found necessary to invent plausible qualifications, tending to conceal its real character from observation. It has accordingly been surmised, that, notwithstanding the obstacles which it provides, against the re-exportation of a colonial cargo, by the importer, such a re-exportation may, perhaps, be lawful. Attempts on his part to sell in the United States, without effect, (which must often happen,) may, it is supposed, be sufficient to save him from the peril of the rule. But, admitting it to be certain, instead of being barely possible, that these attempts would form anything like security against final condemnation, it is still most material to ask how they are to afford protection against seizure? By what documents they can be proved to the satisfaction of those, to whom interest suggests doubts, and whom impunity encourages to act upon them? The formal transactions of the custom house once deserted as a criterion, the cargo must be followed, through private transfers, into the warehouses of individual merchants; and when proofs have been prepared, with the utmost regularity, to establish these transfers, or the other facts which may be deemed to be equivalent, they are still liable to be suspected, and will be suspected as fictitious and colorable, and capture will be the consequence. For the loss and damage which capture brings along with it, British courts of prize grant no adequate indemnity. Redress to any extent is difficult; to a competent extent, impossible. And even the costs which an iniquitous seizure compels a neutral merchant to incur, in the defence of his violated rights, before their own tribunals, are seldom decreed, and never paid.

Your memorialists have thus far complained only of the recent abandonment, by Great Britain, of a known rule, by which the oppressive character of an important principle of her maritime code has heretofore been greatly mitigated. But they now beg leave to enter their solemn protest against the principle itself, as an arbitrary and unfounded pretension, by which the just liberty of neutral commerce is impaired and abridged, and may be wholly destroyed.

The reasons upon which Great Britain assumes to herself a right to interdict to the independent nations of the earth a commercial intercourse with the colonies of her enemies, (out of the relaxation of which pretended right has arisen the distinction, in her courts, between an American trade, from the colonies to the United States, and from the same colonies to Europe,) will, we are confidently persuaded, be repelled with firmness and effect by our Government.

It is said by the advocates of this high belligerent claim, that neutral nations have no right to carry on with either of the parties at war, any other trade than they have actually enjoyed in time of peace. This position forms the basis upon which Great Britain has heretofore rested her supposed title, to prevent altogether, or to modify at her discretion, the interposition of neutrals in the colony trade of her adversaries.

But, if we are called upon to admit the truth of this position, it seems reasonable that the converse of it should also be admitted. That war should not be allowed to disturb the customary trade of neutrals in peace; that the peace traffic should, in every view, be held to be the measure of the war traffic; and that, as on the one hand there can be no enlargement, on the other there shall be no restriction. What, however, is the fact? The first moment of hostilities annihilates the commerce of the nations at peace, in articles deemed contraband of war; the property of the belligerents can no longer be carried in neutral ships; they are subject to visitation on the high seas, to harassing and vexatious search, to detention for judicial inquiry, and to the peril of unjust confiscation: they are shut out from their usual markets, not only by military enterprises against particular places, carried on with a view to their reduction, but by a vast system of blockade, affecting and closing up the entire ports of a whole nation: such have been the recent effects of an European war upon the trade of this neutral country; and the prospect of the future affords no consolation for that of the past. The triumphant fleets of one of the contending Powers cover the ocean; the navy of her enemies has fallen before her; the communication by sea with France, and Spain, and Holland, seems to depend on her will, and she asserts a right to destroy it at her pleasure: she forbids us from transporting in our vessels, as in peace we could, the property of her enemies; enforces against us a rigorous list of contraband; dams up the great channels of our ordinary trade; abridges, trammels, and obstructs what she permits us to prosecute, and then refers us to our accustomed traffic in time of peace, for the criterion of our commercial rights, in order to justify the consummation of that ruin with which our lawful commerce is menaced by her maxims and her conduct.

This principle, therefore, cannot be a sound one; it wants uniformity and consistency; is partial, unequal, and delusive: it makes everything bend to the rights of war, while it affects to look back to, and to recognise, the state of things in peace, as the foundation and the measure of the rights of neutrals. Professing to respect the established and habitual trade of the nations at peace, it affords no shadow of security for any part of it: professing to be an equitable standard for the ascertainment of neutral rights, it deprives them of all body and substance, and leaves them only a plausible and unreal appearance of magnitude and importance: it delivers them over, in a word, to the mercy of the States at war, as objects of legitimate hostility; and while it seems to define, does, in fact, extinguish them. Such is the faithful picture of the theory and practical operation of this doctrine.

But, independent of the considerations thus arising out of the immediate interference of belligerent rights and belligerent conduct with the freedom of neutral trade, by which the fallacy of the appeal to the precise state of our peace trade, as limiting the nature and extent of our trade in war, is sufficiently manifested, there are other considerations which satisfactorily prove the inadmissibility of this principle.

It is impossible that war among the primary Powers of Europe, should not, in an endless variety of shapes, materially affect the whole civilized world. Its operation upon the prices of labor and commodities; upon the value of money; upon exchange; upon the rates of freight and insurance; is great and important. But it does much more than all this. It imposes upon commerce in the gross, and its details, a new character; gives to it a new direction, and places it upon new foundations. It abolishes one class of demands; creates, or revives others; and diminishes, or augments the rest. And, while the wants of mankind are infinitely varied by its powerful agency, both in object and degree, the modes and sources of supply, and the means of payment, are infinitely varied also.

To prescribe to neutral trade thus irresistibly influenced, and changed, and moulded by this imperious agent, a fixed and unalterable station, would be to say, that it shall remain the same, when not to vary is impossible; and to require, since change is unavoidable, that it shall submit to the ruinous retrenchments, and modifications, which war produces, and yet refrain from indemnifying itself by the fair advantages, which war offers to it as an equivalent, cannot be warranted by any rule of reason or equity, or by any law to which the great community of nations owes respect and obedience.

When we examine the conduct of the maritime Powers of Europe, in all the wars in which they have been engaged for upwards of a century, we find, that each of them has, occasionally, departed from its schemes of colonial monopoly; relaxed its navigation laws, and otherwise admitted neutrals, for a longer, or a shorter space, as circumstances required, to modes of trade, from which they were generally excluded.

This universal practice, this constant and invariable usage, for a long series of years, would seem to have established among the European States a sort of customary law upon the subject of it, from which no single Power could be at liberty to depart, in search of a questionable theory at variance with it. Great Britain is known to suspend, in war, and on account of war, her famous act of navigation, to which she is supposed to owe her maritime greatness, and which, as the palladium of her power, she holds inviolable in peace; and her colonies are frequently thrown open, and neutrals invited to supply them, when she cannot supply them herself. She makes treaties in the midst of war, (she made such a treaty with us,) by which neutrals are received into a participation of an extensive traffic, to which before they had no title. And can she be suffered to object, that the same, or analogous acts are unlawful in her enemies; or that, when neutrals avail themselves of similar concessions made by her opponents, they are liable to punishment, as for a criminal intrusion into an irregular and prohibited commerce?

The weight of this consideration has been felt by the advocates of this doctrine, and it has, accordingly, been attempted to evade it by a distinction, which admits the legality of all such relaxations in war, of the general, commercial, or colonial systems of the belligerents, as do not arise out of the predominance of the enemy's force, or out of any necessity resulting from it.

It is apparent, however, that such relaxations, whether dictated by the actual ascertained predominance of the enemy's force, or not, do arise out of the state of war, and are almost universally produced and compelled by it; that they are intended as reliefs against evils which war has brought along with it, and that the opposite belligerent has just as much right to insist, that these evils shall not be removed by neutral aid or interposition, as if they were produced by the general preponderance of her own power, upon the land, or upon the sea, or by the general success of her arms. In the one case, as in the other, the interference of the neutral lightens the pressure of war; increases the capacity to bear its calamities, or the power to inflict them; and supplies the means of comfort and of strength. In both cases, the practical effect is the same, and the legal consequences should be the same also.

But whence are we to derive the conclusion of fact, upon which this extraordinary distinction is made to turn? How are we to determine, with precision and certainty, the exact cause which opens to us the ports of a nation at war, to analyze the various circumstances of which, perhaps, the concession may be the combined effect; and to assign to each the just portion of influence, to which it has a claim? How easy it is to deceive ourselves, on a subject of this kind, Great Britain will herself instruct us, by a recent example. Her courts of prize have insisted, that, during the war, which ended in the peace of Amiens, France was compelled to open the ports of her colonies, by a necessity, created and imposed by the naval prowess of her enemies. And yet these ports were opened in February, 1793, when France and her maritime adversaries had not measured their strength in a single conflict; when no naval enterprise had been undertaken by the latter, far less crowned with success; when the lists were not even entered, and when the superiority, afterwards acquired by Great Britain in particular, was yet a problem; when the spirit of the French nation and Government was lifted up to an unexampled height by the enthusiasm of the day, and by the splendid achievements by which their armies had recently conquered Savoy, the country of Nice, Worms, and other places on the Rhine, the Austrian low countries, and Liege. It should seem to be next to impossible to contend that a concession made by France to neutrals, on the subject of her colony trade, at such a period of exultation and triumph, was "compelled by the prevalence of British arms," that it was "the fruit of British victories," or the result of "British conquest," that it arose out of the predominance of the enemy's force, that it was produced by "that sort of necessity, which springs from the impossibility of otherwise providing against the urgency of distress, inflicted by the hand of a superior enemy," and that "it was a signal of defeat and depression." It would seem to be impossible to say of a traffic, so derived, "that it could obtain, or did obtain, by no other title, than the success of one belligerent against the other, and at the expense of that very belligerent, under whose success the neutral sets up his title." Yet all these things have been solemnly said, and maintained, and have even been made the foundation of acts, by which the property of our citizens has been wrested from their hands. It cannot be believed that the laws of nations have been entrusted to a belligerent, the power of harassing the trade, and confiscating the ships, and merchandise of peaceable nations, upon grounds so vague, indefinite, and equivocal. Of all law, certainty is the best feature; and no rule can be otherwise than unjust and despotic, of which the sense and the application are and must be ambiguous. A siege, or blockade, presents an intelligible standard, by which it may always be known, that no lawful trade can be carried on with the places against which either has been instituted. But, the suggestions upon which this new belligerent encroachment, having all the effect of a siege or blockade, is founded, are absolutely incapable of a distinct form, either for the purpose of warning to neutrals, or as the basis of a judicial sentence. The neutral merchant finds that, in fact, the colonial ports of the parties to the war are thrown open to him, by the Powers to which they belong; and he sees no hostile squadrons to shut them against him. Is he to pause before he ventures to exercise his natural right, to trade with those who are willing to trade with him, until he has inquired and determined why these ports have thus been made free to receive him? To such a complicated and delicate discussion no nation has a right to call him. It is enough that an actual blockade can be set on foot to close these ports, and that they may be made the object of direct efforts, for conquest or occlusion, if the enemy's force is, in truth, so decidedly predominant as it is pretended to be. And if it is not predominant to that point and to that extent, there can be no cause for ascribing to it an effect to which it is physically incompetent, or for allowing it to do that constructively, which it cannot do, and has not done, actually.

The pernicious qualities of this doctrine are enhanced and aggravated, as from its nature might be expected, by the fact, that Great Britain gives no notice of the time when, or the circumstances in which, she means to apply and enforce it. Her orders of the 6th November, 1793, by which the seas were swept of our vessels and effects, were for the first time, announced by the ships of war and privateers, by which they were carried into execution. The late decisions of her courts, which are in the true spirit of this doctrine, and are calculated to restore it, in practice, to that high tone of severity which milder decisions had almost concealed from the world, came upon us by surprise; and the captures, of which the Dutch complained, in the seven years' war, were preceded by no warning. Thus is this principle most rapacious and oppressive in all its bearings. Harsh and mysterious in itself, it has always been, and ever must be used, to betray neutral merchants into a trade supposed to be lawful, and then to give them up to pillage and ruin. Compared with this principle, which violence and artifice may equally claim for their own, the exploded doctrine of constructive blockade, by which belligerents, for a time, insulted and plundered the States at peace, is innocent and harmless. That doctrine had something of certainty belonging to it, and made safety at least possible. But there can be no security while a malignant and deceitful principle, like this, hangs over us. It is just what the belligerent chooses to make it—lurking, unseen, and unfelt—or visible, active, and noxious. It may come abroad when least expected; and the moment of confidence may be the moment of destruction. It may sleep for a time, but no man knows when it is to awake, to shed its baleful influence upon the commerce of the world. It clothes itself, from season to season, in what are called relaxations, but again, without any previous intimation to the deluded citizens of neutral Powers, these relaxations are suddenly laid aside, either in the whole, or in part, and the work of confiscation commences. Nearly ten months of the late war had elapsed before it announced itself at all, and when it did so, it was in its most formidable shape, and its fullest power and expansion. In a few weeks it was seen to lose more than half its substance and character, and before the conclusion of the war was scarcely perceptible. With the opening of the present war, it re-appeared in its mildest form, which it is again abandoning for another, more consonant to its spirit. Such are its capricious fluctuations, that no commercial undertaking, which it can in any way affect, can be considered as otherwise than precarious, whatever may be the avowed state of the principle at the time of its commencement.

It has been said that, by embarking in the colony trade of either of the belligerents, neutral nations, in some sort, interpose in the war, since they assist and serve the belligerent in whose trade they so embark. It is a sufficient answer to this observation, that the same course of reasoning would prove that neutrals ought to discontinue all trade whatsoever with the parties at war. A continuance of their accustomed peace trade assists and serves the belligerent, with whom it is continued; and if this effect were sufficient to make a trade unneutral and illegal, the best established and most useful traffic would, of course, become so. But Great Britain supplies us with another answer to this notion, that our interference in the trade of the colonies of her enemies is unlawful, because they are benefitted by it. It is known that the same trade is, and long has been, carried on by British subjects; and your memorialists feel themselves bound to state, that, according to authentic information lately received, the Government of Great Britain does, at this moment, grant licenses to neutral vessels taking in a proportion of their cargoes there, to proceed on trading voyages to the colonies of Spain, from which she would exclude us, upon the condition that the return cargoes shall be carried to Great Britain to swell the gains of her merchants, and to give her a monopoly of the commerce of the world. This great belligerent right, then, upon which so much has been supposed to depend, sinks into an article of barter. It is used, not as a hostile instrument, wielded by a warlike State, by which her enemies are to be wounded, or their colonies subdued, but as the selfish means of commercial aggrandizement, to the impoverishment and ruin of her friends: as an engine by which Great Britain is to be lifted up to a vast height of prosperity, and the trade of neutrals crippled, and crushed, and destroyed. Such acts are a most intelligible commentary upon the principle in question. They show that it is a hollow and felonious principle, susceptible of the worst abuse, and incapable of a just and honorable application. They show that in the hands of a great maritime State, it is not, in its ostensible character of a weapon of hostility that it is prized, but rather as one of the means of establishing an unbounded monopoly, by which every enterprise, calculated to promote national wealth and power, shall be made to begin and end in Great Britain alone. Such acts may well be considered as pronouncing the condemnation of the principle against which we contend, as withdrawing from it the only pretext upon which it is possible to rest it.

Great Britain does not pretend that this principle has any warrant in the opinions of writers on public law. She does not pretend, and cannot pretend, that it derives any countenance from the conduct of other nations. She is confessedly solitary in the use of this invention, by which rapacity is systematized, and a state of neutrality and war are made substantially the same. In this absence of all other authority, her courts have made an appeal to her own early example for the justification of her own recent practice. Your memorialists join in that appeal, as affording the most conclusive and authoritative reprobation of the practice which it is intended to support by it.

It would be easy to show, by an examination of the different treaties to which Great Britain has been a party from times long past, that this doctrine is a modern usurpation. It would be equally easy to show that, during the greater part of the last century, her statesmen and lawyers uniformly disavowed it, either expressly or tacitly. But it is to a review of Judicial examples, of all others the most weighty and solemn, that your memorialists propose to confine themselves.

In the war of 1744, in which Great Britain had the power, if she had thought fit to exert it, to exclude the neutral States from the colony trade of France and Spain, her high court of appeals decided that the trade was lawful, and released such vessels as had been engaged in it.

In the war which soon followed the peace of Aix la Chapelle, Great Britain is supposed to have first acted upon the pretension that such a trade was unlawful, as being shut against neutrals in peace. And it is certain that, during the whole of that war, her courts of prize did condemn all neutral vessels taken in the prosecution of that trade, together with their cargoes, whether French or neutral. These condemnations, however, proceeded upon peculiar grounds. In the seven years' war, France did not throw open to neutrals the traffic of her colonies. She established no free ports in the East or in the West, with which foreign vessels could be permitted to trade, either generally or occasionally, as such. Her first practice was simply to grant special licenses to particular neutral vessels, principally Dutch, and commonly chartered by Frenchmen, to make, under the usual restrictions, particular trading voyages to the colonies. These licenses furnished the British courts with a peculiar reason for condemning vessels sailing under them, viz: "that they became in virtue of them the adopted or naturalized vessels of France."

As soon as it was known that this effect was imputed to these licenses they were discontinued, or pretended to be so; but the discontinuance, whether real or supposed, produced no change in the conduct of Great Britain; for neutral vessels employed in this trade were captured and condemned as before. The grounds upon which they continued to be so captured and condemned may be best collected from the reasons subjoined to the printed cases in the prize causes, decided by the High Court of Admiralty, (in which Sir Thomas Salisbury at that time presided,) and by the Lords Commissioners of Appeals, between 1757 and 1760.

In the case of the America, (which was a Dutch ship, bound from St. Domingo to Holland, with the produce of that island, belonging to French subjects, by whom the vessel had been chartered,) the reason stated in the printed case is, "that the ship must be looked upon as a French ship, (coming from St. Domingo,) for by the laws of France no foreign ship can trade in the French West Indies."

In the case of the Snip, the reason (assigned by Sir George Hays and Mr. Pratt, afterwards Lord Camden) is, "that the Snip (though once the property of Dutchmen) being employed in carrying provisions to, and goods from, a French colony, thereby became a French ship, and, as such, was justly condemned."

It is obvious that the reason, in the case of the America, proceeds upon a presumption that, as the trade was, by the standing laws of France, even up to that moment, confined to French ships, any ship found employed in it must be a French ship. The reason, in the other case, does not rest upon this idle presumption, but takes other ground: for it states that, by the reason of the trade in which the vessel was employed, she became a French vessel.

It is manifest that this is no other than the first idea of adoption or naturalization, accommodated to the change attempted to be introduced into the state of things, by the actual or pretended discontinuance of the special licenses. What, then, is the amount of the doctrine of the seven years' war, in the utmost extent which it is possible to ascribe to it? It is in substance no more than this, that as France did not, at any period of that war, abandon, or in any degree suspend, the principle of colonial monopoly, or the system arising out of it, a neutral vessel found in the prosecution of the trade, which, according to that principle and that system, still continuing in force, could only be a French trade and open to French vessels, either became, or was legally to be presumed to be a French vessel. It cannot be necessary to show, that this doctrine differs essentially from the principle of the present day: but even if it were otherwise, the practice of that war, whatever it might be, was undoubtedly contrary to that of the war of 1744, and, as contrasted with it, will not be considered, by those who have at all attended to the history of these two periods, as entitled to any peculiar veneration. The effects of that practice were almost wholly confined to the Dutch, who had rendered themselves extremely obnoxious to Great Britain, by the selfish and pusillanimous policy, as it was falsely called, which enabled them, during the seven years' war, to profit of the troubles of the rest of Europe.

In the war of 1744, the neutrality of the Dutch, while it continued, had in it nothing of complaisance to France; they furnished from the commencement of hostilities, on account of the Pragmatic Sanction, succors to the confederates, declared openly, after a time, in favor of the Queen of Hungary; and finally determined upon and prepared for war, by sea and land. Great Britain, of course, had no inducement, in that war, to hunt after any hostile principle, by the operation of which the trade of the Dutch might be harassed, or the advantage of their neutral position, while it lasted, defeated. In the war of 1756, she had this inducement in its utmost strength. Independent of the commercial rivalry existing between the two nations, the Dutch had excited the undisguised resentment of Great Britain, by declining to furnish against France the succors stipulated by treaty; by constantly supplying France with naval and warlike stores, through the medium of a trade systematically pursued by the people, and countenanced by the Government; by granting to France, early in 1757, a free passage through Namur and Maestricht, for the provisions, ammunition, and artillery, belonging to the army, destined to act against the territories of Prussia, in the neighborhood of the Low Countries; and by the indifference with which they saw Nieuport and Ostend put into the hands of France, by the Court of Vienna, which Great Britain represented to be contrary to the barrier treaty and the Treaty of Utrecht. Without entering into the sufficiency of these grounds of dissatisfaction, which undoubtedly had a great influence on the conduct of Great Britain towards the Dutch, from 1757 until the peace of 1763, it is manifest, that this very dissatisfaction, little short of a disposition to open war, and frequently on the eve of producing it, takes away, in a considerable degree, from the authority of any practice to which it may be supposed to have led, as tending to establish a rule of the public law of Europe. It may not be improper to observe too, that the station occupied by Great Britain, in the seven years' war, (as proud a one as any country ever did occupy) compared with that of the other European Powers, was not exactly calculated to make the measures, which her resentments against Holland, or her views against France, might dictate, peculiarly respectful to the general rights of neutrals. In the North, Russia and Sweden were engaged in the confederacy against Prussia, and were, of course, entitled to no consideration in this respect. The Government of Sweden was, besides, weak and impotent. Denmark, it is true, took no part in the war, but she did not suffer by the practice in question. Besides, all these Powers combined would have been as nothing against the naval strength of Great Britain in 1758. As to Spain, she could have no concern in the question, and, at length, became involved in the war on the side of France. Upon the whole, in the war of 1756 Great Britain had the power to be unjust, and irresistible temptations to abuse it. In that of 1744 her power was, perhaps, equally great, but everything was favorable to equity and moderation. The example afforded on this subject, therefore, by the first war, has far better titles to respect, than that furnished by the last.

In the American war, the practice and decisions on this point followed those of the war of 1744.

The question first came before the Lords of Appeal, in January, 1782, in the Danish cases of the Tiger, Copenhagen, and others, captured in October, 1780, and condemned at St. Kitts, in December following. The grounds on which the captors relied for condemnation, in the Tiger, as set forth at the end of the respondent's printed case, were, "for that the ship, having been trading to Cape François, where none but French ships are allowed to carry on any traffic, and having been laden at the time of the capture, with the produce of the French part of the island of St. Domingo, put on board at Cape François, and both ship and cargo taken confessedly coming from thence, must (pursuant to precedents in the like cases in the last war) to all intents and purposes be deemed a ship and goods belonging to the French, or at least adopted and naturalized as such." In the Copenhagen, the captor's reasons are thus given:

1st. Because it is allowed, that the ship was destined, with her cargo, to the island of Guadaloupe, and no other place.

2dly. Because it is contrary to the established rule of the general law to admit any neutral ship to go to, and trade at, a port belonging to a colony of the enemy, to which such neutral ship could not have freely traded in time of peace.

On the 22d of January, 1782, these causes came on for hearing before the Lords of Appeal, who decreed restitution in all of them; thus, in the most solemn and explicit manner, disavowing and rejecting the pretended rules of the law of nations, upon which the captors relied; the first of which was literally borrowed from the doctrine of the war of 1756, and the last of which is that very rule on which Great Britain now relies.

It is true that, in these cases, the judgment of the Lords was pronounced upon one shape only of the colony trade of France, as carried on by neutrals; that is to say, a trade between the colony of France and that of the country of the neutral shipper. But, as no distinction was supposed to exist, in point of principle, between the different modifications of the trade, and as the judgment went upon general grounds applicable to the entire subject, we shall not be thought to overrate its effect and extent, when we represent it as a complete rejection both of the doctrine of the seven years' war, and of that modern principle by which it has been attempted to replace it. But, at any rate, the subsequent decrees of the same high tribunal did go that length. Without enumerating the cases of various descriptions, involving the legality of the trade in all its modes, which were favorably adjudged by the Lords of Appeal, after the American peace, it will be sufficient to mention the case of the Vervagting, decided by them in 1785 and 1786. This was the case of a Danish ship, laden with a cargo of dry goods and provisions, with which she was bound on a voyage from Marseilles to Martinique and Cape François, where she was to take in for Europe a return cargo of West India produce. The ship was not proceeded against, but the cargo, which was claimed for merchants of Ostend, was condemned as enemy's property (as in truth it was) by the Admiralty of Antigua, subject to the payment of freight *pro rata itineris*, or, rather, for the whole of the outward voyage. On appeal, as to the cargo, the Lords of Appeal, on the 8th of March, 1785, reversed the condemnation, and ordered further proof of the property to be produced within three months. On the 28th March, 1786, no further proof having been exhibited, and the proctor for the claimants declaring that he should exhibit none, the Lords condemned the cargo, and on the same day reversed the decree below, giving freight *pro rata itineris*, (from which the neutral master had appealed,) and decreed freight generally and the costs of appeal.

It is impossible that a judicial opinion could go more conclusively to the whole question on the colony trade than this; for it not only disavows the pretended illegality of the neutral interpositions of that trade, even directly between France and her colonies, (the most exceptionable form, it is said, in which that interposition could present itself,) it not only denies that property engaged in such a trade is on that account liable to confiscation, (inasmuch as, after having reversed the condemnation of the cargo pronounced below, it proceeds afterwards to condemn it merely for want of further proof as to the property,) but it holds that the trade is so unquestionably lawful to neutrals as not even to put in jeopardy the claim to freight for that part of the voyage which had not yet begun, and which the party had not yet put himself in a situation to begin. The force of this, and the other British decisions, produced by the American war, will not be avoided by suggesting that there was anything peculiarly favorable in the time when, or the manner in which, France opened her colony trade to neutrals on that occasion. Something of that sort, however, has been said. We find the following language in a learned opinion on this point: "It is certainly true that in the last war (the American war) many decisions took place, which then pronounced that such a trade between France and her colonies was not considered as an unneutral commerce; but under what circumstances? It was understood that France, in opening her colonies during the war, declared that this was not done with a temporary view relative to the war, but on a general permanent purpose of altering her colonial system, and of admitting foreign vessels, universally and at all times, to a participation of that commerce; taking that to be the fact, (however suspicious its commencement might be during the actual existence of a war,) there was no ground to say that neutrals were not carrying on a commerce as ordinary as any other in which they could be engaged; and, therefore, in the case of the Vervagting, and in many other succeeding cases, the Lords decreed payment of freight to the neutral ship owner. It is fit to be remembered, on this occasion, that the conduct of France evinced how little dependence can be placed upon explanations of measures adopted during the pressure of war; for hardly was the ratification of the peace signed, when she returned to her ancient system of colonial monopoly."

We answer to all this, that, to refer the decision of the Lords in the Vervagting and other succeeding cases, to the reason here assigned, is to accuse that high tribunal of acting upon a confidence which has no example in a singularly incredible declaration, (if indeed such a declaration was ever made,) after the utter falsehood of it had been, as this learned opinion does itself inform us, unequivocally and notoriously ascertained.

We have seen that the *Vervagting* was decided by the Lords, in 1785 and 1786, at least two years after France had, as we are told, "returned to her ancient system of colonial monopoly," and when, of course, the supposed assertion of an intended permanent abandonment of that system could not be permitted to produce any legal consequence.

We answer further, that, if this alleged declaration was in fact made, (and we must be allowed to say, that we have found no trace of it out of the opinion above recited,) it never was put into such a formal and authentic shape as to be the fair subject of judicial notice.

It is not contained in the French arrêts of that day, where it would only be proper to look for it, and we are not referred to any other document proceeding from the Government of France in which it is said to appear. There does not, in a word, seem to have been anything which an enlightened tribunal could be supposed capable of considering as a pledge on the part of France that she had resolved upon, or even meditated, the extravagant change in her colonial system which, she is said, in this opinion, to have been understood to announce to the world. But, even if the declaration in question was actually made, and that, too, with all possible solemnity, still it would be difficult to persuade any thinking man that the sincerity of such a declaration was, in any degree, confided in, or that any person, in any country, could regard it in any other light than as a mere artifice, that could give no right which would not equally well exist without it. Upon the whole, it is manifestly impracticable to rest the decisions of the Lords of Appeal, in and after the American war, upon any dependence placed on this declaration, of which there is no evidence that it ever was made, which, it is certain, was not authentically or formally made; which, however made, was not, and could not, be believed at any time, far less in 1785 and 1786, when its falsehood had been unquestionably proved by the public and undisguised conduct of its supposed author in direct opposition to it. That Sir James Marriot, who sat in the High Court of Admiralty of Great Britain, during the greater part of the late war, did not consider these decisions as standing upon this ground is evident; for, notwithstanding that, in the war of 1756, he was the most zealous, and perhaps able, advocate for the condemnation of the Dutch ships engaged in the colony trade of France, yet, upon the breaking out of the late war, he relied upon the decisions in the American war, as authoritatively settling the legality of that trade, and decreed accordingly.

If, as a more plausible answer to these decisions, considered in the light of authorities, than that which we have just examined, it should be said they ought rather to be viewed as reluctant sacrifices to policy, or even to necessity, under circumstances of singular difficulty and peril, than as an expression of the deliberate opinion of the Lords of Appeal, or the Government of Great Britain; on the matter of right it might, perhaps, be sufficient to reply, that if the armed neutrality, coupled with the situation of Great Britain as a party to the war, did in any degree compel these decisions, we might also expect to find, at the same era, some relaxation on the part of that country relative to the doctrine of contraband, upon which the convention of the armed neutrality contained the most direct stipulations, which the Northern Powers were particularly interested to enforce. Yet such was not the fact. But, in addition to this and other considerations of a similar description, it is natural to inquire why it happened, that, if the Lords of Appeal were satisfied that Great Britain possessed the right in question, they recorded and gave to the world a series of decisions against it, founded, not upon British orders of council, gratuitously relaxing what was still asserted to be the strict right, (as in the late war,) but upon general principles of public law. However prudence might have required, (although there is no reason to believe it did require,) an abstinence, on the part of Great Britain, from the extreme exercise of the right she had been supposed to claim, still it could not be necessary to give, to the mere forbearance of a claim, the stamp and character of a formal admission, that the claim itself was illegal and unjust. In the late war, as often as the British Government wished to concede and relax, from whatever motive, on the subject of the colony trade of her opponents, an order of council was resorted to, setting forth the nature of the concession, or relaxation, upon which the courts of prize were afterwards to found their sentences; and, undoubtedly, sentences so passed cannot, in any fair reasoning, be considered as deciding more, than that the order of council is obligatory on the courts whose sentences they are. But the decrees of the Lords of Appeal, in and after the American war, are not of this description; since there existed no order of council on the subject of them, and of course, they are, and ought to be, of the highest weight and authority against Great Britain, on the questions involved in, and adjudged by them.

This solemn renunciation of the principle in question, in the face of the whole world, by her highest tribunal in matters of prize, reiterated in a succession of decrees, down to the year 1786, and afterwards, is powerfully confirmed by the acquiescence of Great Britain, during the first most important and active period of the late war, in the free and unlimited prosecution by neutrals of the whole colony trade of France; she did, indeed, at last, prohibit that trade by an instruction unprecedented in the annals of maritime depredation; but the revival of her discarded rule was characterized with such circumstances of iniquity and violence as rather to heighten, by the effect of contrast, the veneration of mankind for the past justice of her tribunals.

The world has not forgotten the instruction to which we allude, or the enormities by which its true character was developed. Produced in mystery, at a moment when universal confidence in the integrity of her Government had brought upon the ocean a prey of vast value and importance; sent abroad to the different naval stations, with such studied secrecy that it would almost seem to have been intended to make an experiment how far law and honor could be outraged by a nation proverbial for respecting both, the heralds by whom it was first announced were the commanders of her commissioned cruisers, who at the same instant carried it into effect with every circumstance of aggravation, if of such an act there can be an aggravation. Upon such conduct there was but one sentiment. It was condemned by reason and justice. It was condemned by that law which flows from and is founded upon them; it was condemned, and will forever continue to be condemned, by the universal voice of the civilized world. Great Britain has made amends, with the good faith which belongs to her councils, for that act of injustice and oppression; and your memorialists have a strong confidence that the late departure from the usual course of her policy will be followed by a like disposition to atonement and reparation. The relations which subsist between Great Britain and the United States rest upon the basis of reciprocal interests, and your memorialists see in those interests, as well as in the justice of the British Government, and the firmness of our own, the best reasons to expect a satisfactory answer to their complaints, and a speedy abandonment of that system, by which they have been lately harassed and alarmed.

Your memorialists will not trespass upon your time with a recital of the various acts by which our coasts, and even our ports and harbors, have been converted into scenes of violence and depredation, by which the security of our trade and property has been impaired, the rights of our territory invaded, the honor of our country humiliated and insulted, and our gallant countrymen oppressed and persecuted. They feel it to be unnecessary to ask that the force of the nation should be employed in repelling and chastising the lawless freebooters, who have dared to spread their ravages, even beyond the seas, which form the principal theatre of their piratical exertions and to infest our shores with their irregular and ferocious hostility.

These are outrages which have pressed themselves, in a peculiar manner, upon the notice of our Government, and cannot have failed to excite its indignation, and a correspondent disposition to prevent and redress them.

Such is the view which your memorialists have taken, in this anxious crisis of our public affairs, of subjects which appear to them, in an alarming degree, to affect their country and its commerce, and to involve high questions of national honor and interest, of public law, and individual rights, which imperiously demand discussion and adjustment. They do not presume to point out the measures which these great subjects may be supposed to call for. The means of redress for the past, and security for the future, are respectfully and confidently submitted to your wisdom; but your memorialists cannot forbear to indulge a hope, which they would abandon with deep reluctance, that they may yet be found in amicable explanations, with those who have ventured to inflict wrongs upon us, and to advance unjust pretensions to our prejudice.

ROBERT GILMOR,
and twenty-five others.

Baltimore, *January* 21, 1806.

Representation of the Merchants of Norfolk.

Norfolk, *December* 3, 1805.

Sir: I have been selected by the merchants of this place to forward to you memorials upon the cases of spoliation committed by the belligerent Powers on their commerce, in consequence of which, I have the honor to address you, and to forward memorials with copies of documents accompanying, in the following cases:

1. Conway and For. Whittle, ship Eliza, John Evans, master.
2. John Granbery, sloop George, Reynolds, master.
3. Donaldson, Thorburn & Co., ship Charles Carter, Tompkins, master.
4. James Dykes & Co., schooner Iris, Samuel Pearson, master.
5. Edward Chamberlain, brig Nancy, John Christy, master.
6. Alexander Leckie, brig Catharine, John Seward, master.
7. Moses Myers, ship Argus, E. Chamberlain, master.
8. Moses Myers, schooner Adeline, Nathaniel Strong, master.
9. Richard Drummond, schooner Favorite, Fletcher, master.
10. John Burke, schooner Two Brothers, Canby, master.

I am directed to state that the originals in each case are lodged with me, or will be subject to my order, provided they are considered by you as requisite, and if they should be so considered, that they will be forwarded whenever you direct them. There are, I am informed, sundry other cases, but the owners either have not received protests from the masters, or have neglected to send them to me; as I receive them I shall do myself the honor to transmit them to your Department.

I have the honor to be, with consideration and respect, sir, your obedient servant,

WILLIAM PENNOCK.

Hon. JAMES MADISON,
Secretary of State, &c.

From Mr. Gore to Mr. Madison.

BOSTON, *November* 18, 1805.

SIR: The ship Indus, David Myrick, master, was taken by His Britannic Majesty's ship the Cambrian, Captain John P. Beresford, in latitude thirty-one degrees thirty minutes north, and longitude sixty-one degrees fifty-six minutes west, and sent to Halifax, where she, and all the property on board, belonging to the owners, master, and supercargo, were condemned, on the ground, as is said, of the illegality of the trade which she was prosecuting at the time of the capture. An appeal has been claimed, and will be duly prosecuted, before the Lords Commissioners of Appeal, in Great Britain, by the insurers, to whom the said ship and cargo have been abandoned. These insurers consist of four companies, in the town of Boston, incorporated under the names of the Massachusetts Fire and Marine Insurance, the Suffolk Insurance, the Boston Marine Insurance, and the New England Insurance, who are not only interested in the above decision, as it relates to the particular case in which it was rendered, but are deeply concerned on account of insurances made by them on vessels and cargoes that may be embraced, as they fear, by rules and principles said to have been adopted in the case of the Indus. These fears derive but too much weight from decisions that have taken place in London, condemning property for being in a commerce always understood by them to be lawful, not only from their own sense of the law of nations, but also from the assent of Great Britain, discovered by her former practice, and by principles advanced by her judges in support of such decrees.

The amount of property withheld, and ultimately depending on the decisions of the High Court of Appeals, in the case of the Indus, is sufficient, of itself, to demand their serious attention; but when combined with the effect of principles, supposed to have been applied in this instance, they are apprehensive of further and still greater injuries to their own property, and that of their fellow-citizens in this quarter of the country; and these losses, should they be realized, would be encountered in the prosecution of a trade in which they felt themselves as unoffending against the rights of others; as secure from the interruption of the power that now molests them, as in coasting voyages between different parts of the United States.

They hope, therefore, not to be thought intrusive in asking of the Government its interference, through their Minister at the Court of London, or otherwise, as the President, in his wisdom, may judge proper, to protect their commercial rights, and to obtain redress of the particular injury of which they complain. They have even felt it a duty due from them to the Government of their country, to apprize those entrusted with the administration of its concerns, of events, so injurious in themselves, and pregnant with consequences so momentous to their individual property, and the general prosperity of the country. Such reflections have influenced these several companies to request me to present you a statement of the case of the Indus, for the inspection of the Government, and the purposes above alluded to; and also to subjoin some of the reasons which have occasioned the security with which they have hazarded their property on voyages now pretended to be unlawful.

In the summer of 1804, Messrs. David Sears and Jonathan Chapman, native citizens of the United States, and residents in Boston, owned a ship called the Indus, which they fitted out for a voyage to India. They put on board her sixty-three thousand six hundred and forty dollars, and three sets of exchange, drawn by themselves, on Messrs. John Hodsdon and Son, of Amsterdam, at ninety days' sight, for twenty-five thousand three hundred guilders, which amount of specie and bills they confided to Abishai Barnard, a native citizen of the United States, and supercargo. This ship and property, altogether owned by themselves, they despatched with order to go to the isles of France and Bourbon, and, if able, to purchase a cargo there, so to invest the specie and bills, if not, to proceed to Batavia for the same purpose; if not practicable there to go on to Calcutta, and obtain a cargo, with which cargo, wherever procured, the said ship was directed to return to Boston, unless, before the vessel should quit the isle of France or Batavia, a peace should take place in Europe, in which event she was ordered to proceed to Falmouth, in England, and to conform herself to the orders of her owner's correspondents in London. All the papers on board showed these facts; and such, and such only, was the property and destination of the vessel and her lading. In a memorandum relating to the purchase of the cargo, given to the supercargo, he was reminded not to forget to insert in the manifest, after the arrival of the vessel in the tide waters of Boston, the words "and Embden," viz: From the isle of France, or Batavia, to Boston "and Embden," as this would not deprive the owners of the privilege of unloading wholly in Boston. The object of this request was, in case of peace, to avoid an expense and inconvenience which Mr. Sears, the principal owner of this ship and cargo, suffered at the last peace, viz: the unloading of the entire cargo of a vessel called the Arab, from India, in the port of Boston, which, under the then existing circumstances, viz: a state of peace, he inclined to send immediately to Europe, but which he would not have contemplated had not peace taken place, and which he did not anticipate when the vessel sailed from Boston, as he did not foresee a termination of the war; such being the construction put by the collector of the port of Boston and Charlestown, on the laws in force, when the vessels referred to arrived, and when the Indus sailed in 1804. The expense of unloading and reloading this vessel would have amounted to several thousand dollars, and in case of the law being at her arrival as when she sailed, and of a peace in Europe, and the owners sending her there, (in which event alone did they ever entertain the least intention of not closing the voyage in America,) this expense might have been saved.

With this property, and under these instructions, the Indus proceeded on her voyage to the Isle of France: not being able to procure a cargo there, she went to Batavia, where she loaded with the proceeds of her specie and one set of her bills. In the prosecution of her voyage, from Batavia to Boston, the ship was so damaged by storms, that she was obliged to put into the Isle of France, where she was condemned as no longer seaworthy; the cargo was taken out, a new vessel purchased by the supercargo, which he named the Indus; and such of the articles as were on board the former Indus, and not damaged, were re-shipped in the new Indus; these articles, together with some tea, taken on freight for certain citizens of Boston, there to be landed, composed her entire cargo. With this property, she was within a few days' sail of her destined port of Boston, in the latitude and longitude aforesaid, when she was captured by the Cambrian, and sent to Halifax and condemned, as before mentioned.

The assumed ground of condemnation was, as the underwriters are informed, that the direction to insert the words "and Embden," after the arrival of the vessel in the port of Boston, disclosed an intention in the owners to continue the voyage to Europe, whereas, the only object was to reserve to themselves the right to obviate any objection from the custom-house here, to her proceeding thither, in the event of a peace between the present belligerents

This is manifest from the testimony of the owners, and is confirmed by their instructions to the conductors of this voyage, as to its destination, in case of a peace before they quitted India. On this contingency only were they to proceed otherwise than to Boston. The reason why Mr. Sears directed the words "and Embden," to be inserted, is obvious from what he suffered in the case of the Arab, as related by himself and the collector of the customs; and that it was only in the event of peace that he contemplated sending to Europe the vessel and cargo to which his memorandum referred, is confirmed by his former practice and course of trade, viz: during the last ten years he has been engaged in voyages to India, and likewise in shipping the produce of the East and West Indies to Europe; and in no case, during the existence of war, has he sent to Europe, articles imported by himself in the same vessel in which they were brought from India. Further, in the case of the ship Lydia, which arrived from India at Boston, in the summer of 1804, and on board which vessel there was the like instruction as in the Indus, which instruction was complied with by the master; yet, as the war continued, on her arrival at Boston, he sold the whole cargo to a merchant of this town, and also that of the Indus, in the voyage preceding the one in which she was lost, wherein the like precaution was also taken, and for the like purpose; but as it was war when she arrived, the voyage terminated here. Thus, sir, in this case, there exists the most plenary evidence, that the voyage which the Indus was performing, when captured, was direct from Batavia to Boston, there to terminate. A trade perfectly legal, not only in the understanding of the owners, but so acknowledged, admitted, and declared by Great Britain, in her practice, for ten yeas past, in her instructions to her cruisers, in the decrees of her courts, and in the rules and principles advanced by her judges in promulgating their decrees.

The principle understood to be assumed by Great Britain is, that, in time of war, a trade between two independent nations, one neutral and the other belligerent, is unlawful in the neutral, if the same trade was not allowed and practised in time of peace. This principle, though assumed by Great Britain, is now, and always has been resisted as unsound, by every other nation. She always assumes a fact, that the trade with a colony has always been confined, exclusively, to ships of the parent country. In virtue, therefore, of this assumption of principle and fact, she deems unlawful and derogatory to her rights, the trade of a neutral with the colonies of her enemies. However, in the last war, she so far modified her principle, as to assent to the lawfulness of the voyage of a neutral, if direct between the ports of the neutral and the colony of the enemy; and also a trade in such colonial articles from the country of the neutral to any other country, even to the parent country of such colony, provided such articles were imported, *bona fide*, for the use of the neutral, and there purchased, or afterwards shipped by himself; and also in articles, the produce of the parent kingdom, from the neutral State to the colony of that metropolitan kingdom, provided the exporting and importing were *bona fide* as in the other case. But this modification she always affected to consider as a relaxation of her strict rights, and from this consideration assumed greater authorities to interfere with the permitted trade, as she would say, of neutrals.*

The underwriters have therefore thought it important to examine how far the doctrine is sanctioned by the law of nations, and the grounds on which it is supposed to rest are conformed to, or contravened by, the practice of the belligerents themselves.

This principle was first brought forward in the war of 1756, and then was attempted to be supported on the doctrines advanced by Bynkershoek. You, sir, to whom the writings of this eminent civilian are doubtless familiar, must be aware that the rule laid down by him is brought forward to a very different purpose; and from the manner in which he treats on the rights of neutrals, and the historical fact quoted from Livy, to illustrate and sanction the principle asserted, shows that it can by no means warrant the proceedings which it has been attempted to justify; and that there is no analogy between the case cited, and that of the mere peaceable trade of a neutral with a belligerent, in articles not contraband of war, nor to places under blockade.

His general position is, that whatever nations had the power and faculty to do in time of peace, they have the right to do in time of war; except that they have not a right to carry to either of two enemies articles contraband of war, or to trade to blockaded places, because this would be to intermeddle in the war.

The author before cited is the principal, if not the only one, whose opinions are adduced, as capable of affording support, or in any way bearing upon this doctrine. An authority, however, to interrupt the trade of a neutral at war, which it was not free to carry on in peace, is assumed as a legitimate consequence of his acknowledged rights. The law of nations not only prescribes rules for the conduct, and supports the rights of nations at war, but also contains regulations and principles by which the rights of such as remain at peace are protected and defined.

The intercourse between independent nations must exclusively rest on the laws which such nations may choose to establish. This is a natural consequence of the equality and independence of nations. Each may make such commercial and other internal regulations as it thinks proper. It may open its whole trade to all foreign nations, or admit them only to a part; it may indulge one nation in such a commerce, and not others; it may admit them at one time, and refuse them at another; it may restrict its trade to certain parts of its dominions, and refuse the entrance of strangers into others. In this respect it has a right to consult only its own convenience; and whatever it shall choose to admit to others, may be enjoyed by them without consulting a third Power. Great Britain acts upon this principle; at one time she executes her navigation law with strictness; at other times she relaxes most of its regulations, according to the estimate she forms of advantage or disadvantage to be derived from its execution or relaxation; neither does she allow the competence of any foreign Power to call in question her right so to do. In time of peace, she compels a strict adherence to the principles and letter of her navigation act; in time of war, she suspends most of its provisions, and to this she is doubtless induced by the paramount interest of manning her navy, whereby she is enabled to employ a greater number of seamen in her own defence, and to destroy the commerce of her foes.

In consequence of a superiority, derived in some degree from this relaxation, England is rendered an entrepot for receiving and supplying all the products of the world; and after reaping a considerable revenue from the merchandise thus introduced, she furnishes not only the continent of Europe generally, but her own enemy, with such articles as are wanted, many of which she prevents his receiving in the ordinary course.

The other nations of Europe, possessing foreign colonies, and influenced by motives of convenience, certainly not by considerations of a higher nature than actuate Great Britain, find their advantage in a similar change of their commercial systems.

The mere circumstance that the innocent property of a neutral is engaged in a trade permitted now, though prohibited at a former period, is in itself perfectly innocent, and does not seem capable of interfering with the rights, or justifying the complaints of a third Power.

The ordinary policy of a nation may be to encourage the manufacture or growth of a certain article within its own dominions, and for this end may prohibit or restrict the importation of the like articles from other countries. Does the repeal or suspension of such restriction confer any right to impede the transportation, by a third, of the article, the prohibition whereof is suspended? Because the corn laws of a nation operate three years in five, as a prohibition to the importation of all corn, can it be inferred that a friendly Power should abstain from carrying its surplus corn to market? Has any belligerent a right to stop the corn owned by neutral merchants on the way to its enemy, whose crops have failed, and prohibitory laws have been repealed? The simple state of the case, that the trade, though illegal in peace, is legal in war, decides the question.

Recourse is therefore had to another principle, in order to render that unlawful, which on every ground of the equality and independence of nations, is lawful.

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*Polly, Lasky. Robinson's Admiralty Reports, page 361. Immanuel, Robinson, page 186, particularly 203

The belligerent has a right to distress the person and property of his enemy, and thereby compel a submission to his demand, and for this purpose he may use all the means in his power.

By interrupting the trade of neutrals which is open to them in war, and was prohibited in peace, the belligerent distresses his enemy, lessens his revenue, and prevents the exercise of his commercial capital and the employment of his merchants, and deprives him of the enjoyment of those articles which administer to his comfort and convenience; therefore, such interruption is lawful.

An obvious answer to this reasoning is, that it proves too much, and is founded on a principle so comprehensive as to embrace all trade between neutrals and a nation at war. If it distresses a nation to interrupt that commerce, which has become lawful since the war, it would distress him much more to cut off all trade, that which was allowed in time of peace, as well as that which was not; and the same reason which is used to authorize an interruption of the one, would as well justify the other. Indeed, we have several times seen the like doctrine extended this length in the heat of contest; but no instance has occurred of an attempt to vindicate it in time of peace: for the legality of a trade in innocent articles, to a place not blockaded, and the right of the neutral to carry it on, depends entirely on the laws of the two countries between which, and by whose inhabitants, it is prosecuted, and in no degree on the consent of the belligerent. If this argument of distress, combined with that of an unaccustomed trade, should be admitted in all its latitude, no trade with belligerents would be legal to neutrals. The enemies of Great Britain would be disposed to attribute much weight to a consideration of the peculiar advantages which a Power constituted as hers may be supposed to derive, and such evils as she may be presumed to prevent by the relaxation of her commercial system. A continental Power may derive some accommodation and some convenience from relaxing her commercial regulations; but nothing essential to her safety, nothing, as was demonstrated in the last war, materially affecting the great objects of the contest. She might obtain the articles of East and West India produce a little cheaper by these means, than if compelled to procure them by her own ships, or through the medium of her enemy; for it is a circumstance which very much impairs the argument of distressing the foe, that in modern wars it is the practice of commercial nations, notwithstanding they respectively capture each other's property, to open their ports for the exchange of their merchandise, by the assistance of neutrals, and in this way afford the succor they mutually need. It will, however, be said that it is not the trade between neutral countries and the metropolitan dominions of Europe which is deemed illegal, but the trade of neutrals with their colonies. It is not easy to perceive the grounds on which this distinction rests, but without complaining of an exceptionable rule, because the practice under it is not as extensive as its principle might be supposed to warrant, it may be examined in the case to which it is applied. The argument of distressing the enemy is adduced to vindicate the interruption of the trade of neutrals with enemies' colonies. This distress can be inflicted in two ways: by depriving the colony of the necessary supplies, or the parent country of the colony productions. To supply the enemies' colonies is now considered legal, provided it be done from the neutral country. The argument, therefore, of distress, is narrowed down to a mere trifle; to the addition of a fraction in the price of the article supplied to the parent country; for, so far as respects the supply of the colony and the finding a market for its produce, and the arguments flowing from thence, these, surely the most plausible on the score of inflicting distress, are utterly abandoned. But further, the same commercial spirit which has been before noticed, leads the great nations of Europe themselves to contribute to those very supplies, the depriving the enemy whereof is alleged as a justification for interrupting the trade of neutrals. Not only a trade in Europe, but a regular and authorized trade, to the extent of every necessary and almost every other supply, was carried on during the last war between the British and Spanish colonies; and instances have again and again occurred, and before the close of the late war ceased to be considered as extraordinary, where the cargoes of neutral vessels bound to the Spanish colonies were seized by the British, and condemned in the vice-admiralty courts, on pretence that the trade was illegal; and the articles thus stopped and made prize of, under the plea of distressing the enemy, were shipped on board a Spanish or British vessel supplied with a British license, and sent to the original port of their destination. Surely such a mode of distressing the enemy may be more properly denominated distressing the neutral, for the purpose of supplying the enemy at the exclusive profit of the belligerent.

Such, sir, are some of the observations which these gentlemen make on the difference between the practice and avowed principles of belligerents, and the unavoidable consequences of such principles, and which satisfy their minds that, according to the practice of belligerents themselves, there is no foundation for the arguments raised on pretence of distressing the enemy, and that interrupting a trade in war, because not exercised in peace, is inconsistent with the equality and independence of nations, and an infringement on their perfect rights. It is also evident, that the wants and interests of all nations at war, even of those who possess the most powerful and commercial military navy, require them to contradict in their own practice those principles which are avowed in justification of the injuries they inflict on neutrals.

To support this doctrine, it is also necessary to assume as true, that all trade and intercourse between the colonies of the different European Powers and other countries, have been constantly and uniformly interdicted in time of peace, and that such colonies depended exclusively on the metropolitan kingdom for supplies of every kind.

That nothing could be received by or from them but through the mother country; except when the overpowering force of the public enemy had prevented all such communication. This supposed exclusive trade, so confidently assumed, will, on examination, be found subject to many exceptions. It it well known that some of the British West India colonies, during the commotion which existed in England in consequence of the disagreement between Charles the First and his Parliament, exported their produce to Europe by Dutch ships, manned with Dutch seamen, and that the navigation act originated in the double view of punishing some of these colonies, who had discovered an attachment to the cause of defeated royalty, and of curtailing the means enjoyed by the Dutch of increasing their wealth, influence, and power. An intercourse has always been admitted; at some times very restrained; at others more extended, as suited the caprice of the Governors, or as the necessity of the colonies required.

Until a period subsequent to the Treaty of Utrecht, France seems to have paid no attention to her West India colonies. Previous to that time they do not appear to have enjoyed any constant correspondence or direct intercourse with the mother country; and at all times, as well before, as since the independence of the continental colonies of Great Britain, a direct trade has existed between the colonies of France and those of Great Britain in the West Indies, and also with the settlements on the continent of North America, more or less limited, as real or pretended convenience demanded.

Great Britain, prior to the independence of the United States, had less occasion to admit the entry of vessels and merchandise from, or the export of, the produce of her colonies to any other than her own dominions: yet instances are not wanting of the relaxation of her navigation act for both purposes, and in the year 1739 a bill passed the Parliament, allowing the sugar colonies, for a limited time, to export their produce to foreign ports. In fact, colonies depending on other countries for their supplies, and at a distance from their parent country, must, at times, admit the intercourse of foreigners, or suffer the greatest impoverishment and distress. It will not be denied, that the British provinces in the West Indies depend, in a great measure, if not altogether, on the United States, for their corn. True it is, that the shipment is generally made in the British vessels; but should the United States deem it for their interest, to insist on its being transported thither in American ships, it is not certain that the convenience, not to say the necessities of the colonies, would not render an acquiescence advisable. The fact is, in regard to the colonies in the West Indies, whether belonging to France or Great Britain, that the monopoly has not been, and, in the nature of things, never can be very strict, constant, and exclusive. The United States always have enjoyed, and, without hazarding much, one may pronounce with confidence, that they always must enjoy a direct intercourse with their colonies, however adverse to the dispositions or supposed interest of the parent countries in Europe. Thus stands the fact of an accustomed trade in time of peace as relates to the West Indies. In regard to the East Indies, it is certain that the United States have always gone freely to the British settlements there, and it is believed that the vessels of our country were the first to export sugars from Bengal, and that their exportations have augmented immensely the culture of that article in that country. To many of the Dutch settlements our vessels have gone with but little interruption; and to some of these, and to the French possessions, more especially to the isles of France and Bourbon, the trade of the United States has been constant, uninterrupted, and increasing, ever since the year 1794. It is difficult, then, sir, for these gentlemen to conceive how the doctrine of the fact assumed by Great Britain can be supported by the law of nations, or reconciled to the truth.

Moreover, Great Britain professes that the decisions of her Admiralty Courts are always regulated by the law of nations; that they do not bend to particular circumstances, nor are guided by the orders or instructions of the Government. The principles of this law are immutable; being founded on truth and justice, they are ever the same. Now, it appears from the practice of Great Britain herself, that in the war of 1744, and in that which was concluded in 1783, whether the trade was an accustomed one in time of peace, made no part of the discussion, nor was it pretended that the trade having been prosecuted in peace, subjected the vessel or cargo to forfeiture in war. It seems more like the offspring of her pre-eminent power on the ocean in the two wars of 1756, and that which lately ended, than the legitimate doctrine of right and justice. In the war of 1756 Dutch vessels, by special license from France, were permitted to export the produce of the French colonies. These were captured and condemned, on the ground that, by adoption, they had become French vessels. Afterward the property was carried to Monte Christi, and exported thence in Dutch vessels. Particular trades and especial privileges were also allowed by France, to vessels belonging to citizens of Amsterdam, as a gratification for their peculiar exertions to induce the Stadtholder to take part with France against Great Britain. Vessels and their cargoes, so circumstanced, were captured and condemned by the British, and this principle was then brought forward to justify their conduct, as covering in their courts all the cases by a rule as extensive as was the power and cupidity of their cruisers on the sea.

In the war for the independence of America, this principle, set up for the first time in that which preceded it, and contrary to former practice, was abandoned. This is exemplified in the following case, viz: a vessel bound from Marseilles to Martinico and back again, was taken on the outward voyage; the Vice Admiralty Court at Antigua gave half freight. On appeal, the Lords of Appeal gave the whole. It is said, in answer to this, that France opened her colonies, and though it was during the existence of war, yet it was the profession of always keeping them so, but was afterward found delusive. The Lords of Appeal, however, in the case of the Danish vessel, could not have acted upon such grounds: for their decision was in 1786, three years after the peace, and after it was manifest, if any doubt had before existed, that the general opening of the trade between the colonies and the mother country to foreigners, was a temporary expedient, and dependent on the duration of the war. The claim before them was merely equitable, being for freight of that part of the voyage which had not been performed, and to obtain which, the party claiming is bound to show that he has offended no law, and interfered with no rights of the belligerent.

What renders the conduct of Great Britain peculiarly injurious to the merchants of our country at this time is the extension of this offensive doctrine, contrary to her own express and public declaration of the law during the last war: for it was then declared, that the importation from an enemy's colony to the country to which the ship belonged, and the subsequent exportation, was lawful; and so of property, the produce of the parent country, going from the United States to the colony—Vide cases of Immanuel and Polly, in Robinson's Admiralty Reports, before cited. Whereas, property going from the United States, the produce of an enemy's country, to her colony, although *bona fide* imported and landed in the United States, and exported on the sole account and risk of the American merchant, is now taken and condemned on the ground that the same person and vessel imported and exported the same articles; and thus, by an arbitrary interpretation of the intention of the merchant, the second voyage is adjudged to be a continuance of the first. If this new and extraordinary doctrine of continuity is maintained on the part of Great Britain, and acquiesced in by the United States, a very large property, now afloat, may be subject to condemnation, and it must follow that an extensive trade, which has been carried on with great advantage by the United States for these twelve years, and admitted to be lawful, will be totally annihilated.

The Indus and cargo have been condemned on the mere possibility that the same might go to Europe from Boston in case of a peace, in which event Great Britain could pretend to no authority to question the voyage she should make.

Now, to adopt a principle of dubious right in its own nature, and then to extend such principle to a further restriction of the trade of the neutral, without notice, is spreading a snare to entrap the property and defeat the acknowledged rights to which he is entitled.

Such are its effects, both on the individual owners of this property, as well as on the underwriters. For Mr. Sears and Mr. Chapman, in planning this voyage, and, indeed, in every one they ever prosecuted, have endeavored to ascertain what the law authorized them to do, as that law was understood and practised by the belligerents, and for this purpose they examined the orders to the British cruisers, the adjudications in the British courts during the last war, and conceived themselves clearly within even the narrowest limits to which Great Britain professed to circumscribe the trade of neutrals. The underwriters, also, have been uniformly guided, in insuring property, by the rules declared and promulgated by the belligerents themselves. In the present case they considered that, according to the clearest evidence of those rules, they incurred no risk from British cruisers.

Should, then, Great Britain undertake to presume that the law would authorize the interruption of such a trade, these gentlemen cannot bring themselves to believe that, under even such impressions of her rights, she would so far forget what is due to her former understanding of the law, and to the encouragement given to such a commerce, as, without notice of her altered sentiments, to seize and confiscate the property of those who had so conformed their voyages to rules pronounced by herself.

I have the honor to be, &c.

C. GORE.

James Madison, Esq.,
Secretary of State.

Boston, *Nov.* 26, 1805.

Sir: Since making the statement herewith enclosed, the underwriters find themselves called upon to represent a new cause of complaint, founded on a still further extension of the principle before remarked on, and which is now made the ground of condemning property going to Europe merely because it is imported into the United States, and exported by the same person, although it has been landed and subjected to the payment of duties here, and was transporting in another vessel and belonging to different owners.

It is the case of property belonging to the same Mr. Sears, who shipped sundry goods (some of them imported by himself in various vessels, and others purchased here) on board the George Washington, Captain Porter, a general freighting ship bound for Amsterdam from Boston.

That vessel has been captured, and the property imported and thus exported, has been condemned in London. This is also abandoned to the underwriters.

This proceeding of the British has been so unforeseen and unexpected by even the most prudent and circumspect, that very serious and general consequences are to be apprehended in this part of the community.

Should the facts related in the statement of the case of the Indus, or of the George Washington now mentioned, require any further verification than what accompanies these papers, and you will please to notify me thereof, I will endeavor to supply the same.

I have the honor to be, &c.

C. GORE.

James Madison, Esq.
Secretary of State.

MARINE INSURANCE COMPANY,
NEW YORK, *May* 15, 1805.

SIR: On the trial of several vessels, taken on their voyage from this port to Curacoa, the enclosed certificate from Admiral Duckworth was adduced as evidence of the blockade of that island, and had, without doubt, great influence in their condemnation. It is proper to say that no such blockade was ever promulgated or known here; neither was it, as is usual in such cases, communicated to the masters of these vessels; but, on the contrary, they were taken possession of and sent to Jamaica, and there condemned as "enemy's property." As our public offices are deeply interested in these decisions, it becomes necessary for us to know whether this communication was ever made to our Government, and, if so, in what light it was received or considered, for on this will our success on the appeals depend; and, that you may have a correct view of the business, we cover you the masters' protests of the five vessels wherein we are more immediately concerned, from which the facts herein stated will appear, and on which we request your advice and opinion for our government in accepting or rejecting some overtures made us by the captors; and on this subject it is proper to add, that, when successful in an appeal, we sustain great injury from the sale or valuation of property. This arises from forced sales, or appraisement of goods not adapted to the market, and is a subject well worth the attention of the Government. We will illustrate this grievance by a recent case. A vessel, worth seven thousand dollars, was lately sold in Jamaica for one thousand; of course, our recovery is limited to this sum.

We are, with great respect, sir, the Marine Insurance Company of New York, by
W. NEILSON, *President*.

JAMES MADISON, Esq.

Certificate of the blockade of Curacoa, filed July 30, 1804.

This is to certify to whom it may concern, that I, Sir John Thomas Duckworth, Knight of the Bath, Vice Admiral of the Blue Squadron, and Commander-in-chief of His Majesty's ships and vessels employed at Jamaica, Bahama Islands, and seas adjacent, deeming it for the good of the King's service, and for the annoyance of the enemy, did direct the port of Amsterdam, in the island of Curacoa, to be blockaded by part of the naval force under my orders; and that notification of such blockade be transmitted to the British Minister in America, and to the Governors of the Danish and Swedish islands, also of Curacoa, and other Spanish ports, on the 2d day of March, 1804. And I do further certify, that the receipt of the said notification is acknowledged by the British Minister, and that it was communicated by him to the Government of the United States of America in the month of April following.

Given under my hand, on board His Majesty's ship Shark, in Port Royal harbor, this 30th day of July, 1804.

UNITED STATES OF AMERICA, } *ss:*
State of New York, }

By this public instrument, be it known to all whom the same doth or may concern, that I, Edward W. Laight, a notary public in and for the State of New York, by letters patent, under the great seal of the said State, duly commissioned and sworn, and in and by the said letters patent invested "with full power and authority to attest deeds, wills, testaments, codicils, agreements, and other instruments in writing, and to administer any oath or oaths to any person or persons," do hereby certify, that, on the day of the date hereof, personally came and appeared before me the said notary, at the city of New York, Abraham S. Hallett, of the city of New York, merchant, one of the society of the people called Quakers, the person named in the annexed affirmation, who, being by me duly affirmed, according to law, did declare and affirm, that the contents of the said affirmation subscribed by him were true.

Whereof, an attestation being required, I have granted this, under my notarial firm and seal. Done at the city of New York, in the said State of New York, the fourth day of May, in the year one thousand eight hundred and five.

E. W. LAIGHT, *Notary Public*.

UNITED STATES OF AMERICA, } *ss:*
City of New York, }

Abraham S. Hallett, of the city of New York, merchant, being duly affirmed, according to law, saith, that the annexed instrument of writing is a true and accurate copy of the protest which this affirmant received from Jamaica, and that John Bell, the master therein mentioned, is not at present in the city of New York; and he further saith, that he was the true and lawful owner of the brig Bulah Maria, and of her general cargo, on her late voyage; and that no person whatever, being a subject or subjects of France, or of the United Provinces, or of the Batavian, Italian, or Ligurian Republics, or inhabiting any of the territories of France, or of the United Provinces, or the said Republics, nor their factors nor agents, nor any other enemies of the Crown of Great Britain, had, at the time of the capture of the said vessel, any right, title, or interest, either directly or indirectly, in and to the said brig the Bulah Maria, her tackle, apparel, and furniture, or in the cargo before-mentioned, or any part thereof; but that the said brig Bulah Maria, her tackle, furniture, ammunition, and apparel, and her general cargo, did, at the time of the sailing of the said vessel from New York, and at the time of the capture thereof, belong to this affirmant, and would have so belonged to him in case the said vessel had arrived in safety at Curacoa, her port of destination, and until the same had been there sold and disposed of, for and on the account and benefit of this affirmant; and this affirmant further saith, that he was not, at the time of the shipping of the cargo on board of the said vessel, nor at any time after, nor is he at present, engaged in any partnership in any house of trade belonging to any person or persons enemies of the Crown of Great Britain, residing within any of the territories of France, or of the United Provinces, or of the Batavian, Italian, or Ligurian Republics: and he further saith, that he is a natural born citizen of the United States of America, and was, at the time of the sailing of the said vessel on the voyage before-mentioned, and still is, a resident of the city of New York: and this affirmant further saith, that, when he despatched the said vessel on the voyage aforesaid, he did not know that the said island of Curacoa was in a state of blockade.

ABRAHAM S. HALLETT.

Affirmed, the 4th May, 1805, before me,
E. W. LAIGHT, *Notary Public.*

JAMAICA, *ss:*

John Bell, at present of the city and parish of Kingston, in the county of Surry, in the said island, master mariner, late master of a certain brig or vessel called the Bulah Maria, and Samuel Sargeant, at present of the said city and parish of Kingston, and apprentice to the said John Bell, and lately employed in that capacity on board the said brig, being duly sworn on the Holy Evangelists of Almighty God, severally and respectively make oath and say, that, on or about the 25th day of November last past, they, these deponents, sailed in and on board the brig Bulah Maria, from the port of New York, in the United States of North America, the said brig being cleared out and bound for the island of Curacoa, with a cargo on board her, consisting of provisions and a few other articles, consigned to Mr. Joseph Foulke, a resident merchant at the said island of Curacoa: and these deponents further severally make oath and say, that, in the prosecution of the said voyage, to wit, on or about the 15th day of December now last past, the said brig was brought to and boarded by His Majesty's sloop of war Kingfisher, the captain whereof examined the said brig's papers, and then suffered her to proceed on her said voyage: and these deponents further severally make oath and say, that on the 19th day of the said month of December, the said brig Bulah Maria, then being under the lee of the island of Bonaire, was brought to and boarded by a small schooner, a tender, as these deponents believe, to His Britannic Majesty's ship of war Franchise, and afterwards boarded by a boat belonging to said ship of war Franchise, the officer in which took this deponent, the said John Bell, and all his crew, (except the said Samuel Sargeant,) out of the said brig, together with the said brig's papers, and carried them on board the said ship of war Franchise; and this deponent, the said John Bell, for himself further saith, that, after he, this deponent, had delivered up his papers to the honorable John Murray, Esq., captain of the Franchise, he ordered this deponent to return on board the said brig, informing him, at the same time, that he should examine his papers as of the next day; and, after keeping the brig two days beating after the ship, he then sent an officer, together with —— Hall, one of the crew of the said brig, on board, with directions to the officer who had the charge of the said brig, to take her down to Jamaica, having previous thereto taken from on board the said ship six barrels of flour, four barrels of apples, two or three hundred bunches of onions, some candles, and sundry other articles: and this deponent, the said John Bell, further saith, that, after the arrival of the said brig at Port Royal, in the island of Jamaica aforesaid, which was on the 24th day of the said month of December, sundry quantities of apples, onions, and cheese, were taken out of the said brig, and, after her arrival at Kingston, in the said island, sundry articles of her cargo were in like manner taken thereout by the persons having the charge thereof, or by their privity or permisssion: and this deponent, the said John Bell, further saith, that, since his arrival in this island, he hath been informed that the said brig and cargo were captured on the ground of an intentional breach of blockade: and this deponent, the said John Bell, also saith, that the said brig and cargo were proceeded against in the Court of Vice Admiralty of the island of Jamaica aforesaid, and that he, this deponent, caused a claim to be put in for the same, on behalf of the respective owners thereof; but the said brig and cargo (except the private adventures of this deponent and the mate of the said brig) have been by the said court condemned and confiscated: and these deponents severally further say, that all the persons composing the crew of the said brig Bulah Maria, except these deponents and the said —— Hall, were detained, and kept on board the said ship Franchise, which said ship is not arrived in this island, to the knowledge or belief of these deponents: and lastly, these deponents, the said John Bell, for himself saith, that, upon the arrival of the said Bulah Maria in this island, the said Hall went away from the said brig, and this deponent hath never seen or heard anything of him since; by reason whereof, and of the aforesaid detention of the mate and the rest of the crew of the said brig, this deponent is deprived of the benefit of the testimony of any of his said crew, except his apprentice, the said deponent Samuel Sargeant, hereinbefore named.

JOHN BELL,
SAMUEL SARGEANT.

Sworn before me, this 16th day of January, 1805. WM. SAVAGE, *Magistrate.*

UNITED STATES OF AMERICA,
State of New York, } *ss:*

By this public instrument, be it known to all whom the same doth or may concern, that I, Edward W. Laight, a public notary in and for the State of New York, by letters patent, under the great seal of the said State, duly commissioned and sworn; and in and by the said letters patent, invested "with full power and authority to attest deeds, wills, testaments, codicils, agreements, and other instruments in writing, and to administer any oath or oaths, to any person or persons," do hereby certify, that, on the day and date hereof, before me, the said notary, at the city of New York, personally came and appeared, Abraham S. Hallett, of the said city, merchant, and one of the society of people called Quakers, the person named in the annexed affirmation, who, in my presence, subscribed the same, and being by me duly affirmed, according to law, did declare and affirm, that the contents of the same were true.

Whereof an attestation being required, I have granted this under my notarial firm and seal.

Done at the city of New York, in the said State of New York, the fourth day of May, in the year one thousand eight hundred and five.

E. W. LAIGHT, *Notary Public.*

JAMAICA, *ss:*

Hezekiah Pinkham, at present of the city and parish of Kingston, in the county of Surry, and island aforesaid, master mariner, late master on board the schooner Favorite, from New York, in the United States of America, and Charles Coffin, also at present of the city and parish of Kingston aforesaid, mariner, mate on board the said schooner, being respectively duly sworn on the Holy Evangelists of the Almighty God, severally make oath and say, that, on Monday the 8th of October, now last past, the said schooner Favorite sailed from New York, aforesaid, with a cargo on board, consisting of flour, corn, Indian meal, spermaceti candles, tobacco, butter, and other articles, the property of, and belonging to, Abraham S. Hallett, of the said city of New York, merchant, destined to the island of Curacoa, and consigned to Mr. Joseph Foulke, a resident merchant; and also having on board two private adventures, the property of, and belonging to, Gilbert Shotwell and Charles Evers, clerks in the said mercantile house of the said Abraham S. Hallett. And these deponents severally make oath and say, that they continued on their said voyage without meeting with any material occurrence, and at ten o'clock, A. M., on Thursday, the first day of the month of November, now last past, they made the island of Antigua, bearing southwest by south, distant nine leagues, and on Friday, the ninth day of the said month of November, they made the island of Bonaire, bearing north by east, distant about three leagues; shortly after which, the said schooner was brought to by His Britannic Majesty's ship of war Diana, Thomas James Maling, Esquire, commander, and His Britannic Majesty's sloop of war Pelican, John Marshall, Esquire, commander, and afterwards made prize of by them, on the ground, as they informed these deponents, that the said schooner was destined to a blockaded port, and thereupon the said schooner was sent down to Port Royal, in this island, for adjudication, where the said schooner arrived, on the 21st day of the said month of November; and these deponents further severally make oath and say, that shortly after the arrival of the said schooner in Port Royal aforesaid, the said Thomas James Maling and John Marshall, on behalf of themselves, their officers, seamen, and marines, instituted a suit in the Vice Admiralty Court of the said island against the said schooner and cargo on board her; and this deponent, the said Hezekiah Pinkham, having caused a claim to be filed to the said schooner and cargo, and private adventures on board her, on behalf of their respective owners thereof, the same came to be heard, at the Court of Vice Admiralty held in this city and parish of Kingston aforesaid, on Monday, the 17th of November, now instant, when his honor, the judge of the said court, was pleased to condemn the said schooner Favorite and cargo, and clerks' adventures; but from which said sentence this deponent's counsel prayed leave to appeal, and which was granted in the usual form.

HEZEKIAH PINKHAM,
CHARLES COFFIN.

Sworn before me, this 19th day of November, 1804. WM. SAVAGE.

UNITED STATES OF AMERICA, *City of New York*, } *ss:*

Abraham S. Hallett, of the city of New York, merchant, being duly affirmed, according to law, saith, that the annexed instrument of writing is a true and accurate copy of the protest which this affirmant received from Jamaica, and that Hezekiah Pinkham, the master of the schooner Favorite therein mentioned, is not at present in the city of New York, to the knowledge of this affirmant; and he further saith, that he was the true and lawful owner of the schooner Favorite, and of her general cargo, on her late voyage, and that no person or persons whatever, being a subject of France, or of the United Provinces, or of the Batavian, Italian, or Ligurian Republics, or inhabiting within any of the territories of France, of the United Provinces, or the said Republics, nor their factors or agents, nor any other enemies of the Crown of Great Britain, had at the time of the capture of the said vessel, any right, title, or interest, either directly in and to the said schooner the Favorite, her tackle, apparel, and furniture, or in or to the cargo beforementioned, or any part thereof; but that the said schooner the Favorite, her tackle, apparel, and furniture, and her general cargo, did at the time of the sailing of the said vessel from New York, and at the time of the capture thereof, belong to this affirmant, and would so have belonged to him, in case the said vessel had arrived at Curacoa, her port of destination, and until the same had there been sold and disposed of for, and on the account and benefit of the affirmant: and this affirmant further saith, that he was not, at the time of shipping the cargo, on board of the said vessel, or at any time after, nor is he at this present time engaged in any partnership in any house of trade belonging to any person or persons, enemies of the Crown of Great Britain, residing within any of the territories of France, or of the United Provinces, or of the Batavian, Italian, or Ligurian Republics; and he further saith, that he is a natural born citizen of the United States of America, and was at the time of the sailing of the said vessel on the voyage beforementioned, and still is a resident of the city of New York: and this affirmant further saith, that when he despatched the said vessel on the voyage aforesaid, he did not know that the said island of Curacoa was in a state of blockade.

ABRAHAM S. HALLETT.

Affirmed this 4th May. 1805, before me,
E. W. LAIGHT, *Notary Public.*

UNITED STATES OF AMERICA, } ss:
State of New York, }

By this public instrument, be it known to all whom the same doth or may concern, that I, Edward W. Laight, a public notary in and for the State of New York, by letters patent under the great seal of the said State, duly commissioned and sworn, and in and by the said letters patent invested with full power and authority to attest deeds, wills, testaments, codicils, agreements, and other instruments, in writing, and to administer any oath, or oaths, to any person or persons, do hereby certify, that the writing hereunto annexed is a true and accurate copy of a protest signed Thomas Brown, and purporting to be sworn to by George Kinkead, which said protest appears to me, the said notary, to be an original instrument, which said copy, hereunto annexed, I, the said notary, have this day duly collated with the said original protest, and find the same to be, in all respects, a true and accurate copy of the said original.

Whereof an attestation being required, I have granted this under my notarial firm and seal.

Done at the city of New York, in the said State of New York, the ninth day of May, in the year one thousand eight hundred and five.

E. W. LAIGHT, *Notary Public.*

JAMAICA, *ss.*

Thomas Brown, late of Perth Amboy, in the county of Middlesex, in the State of New Jersey, in North America, a native citizen of the United States of America. but at present in the city and parish of Kingston, in the county of Surry, and in the island of Jamaica, mariner, late master of the American schooner Bethia, belonging to James Parker, Joseph March, and Cortlandt L. Parker, of Perth Amboy, aforesaid, merchants, and native citizens of the United States aforesaid, being duly sworn. solemnly maketh oath and deposeth, that the said schooner Bethia, under this deponent's command, sailed from the port of Perth Amboy, aforesaid, about the second day of December last past, being in the year of our Lord one thousand eight hundred and four, bound to the island of Curacoa, with a cargo of provisions, the property of the said James Parker, Joseph Marsh, and Cortlandt L. Parker. That he proceeded on his said intended voyage, without any material occurrences, and without meeting with any interruption, until the 22d day of said month of December, when being off the said island of Curacoa, the said schooner was boarded, and forcibly taken possession of by an officer and seamen from His Britannic Majesty's ship of war La Franchise, the honorable John Murray, Esq., commander, who took out of the said schooner the Bethia the mate and all the crew. And this deponent further saith, that the said schooner Bethia, then under the command of a prizemaster and four English seamen, continued in company with the said ship La Franchise, until 6 P. M. on the same day, when the prizemaster bore away for the island of Jamaica aforesaid, by order of the said honorable John Murray, Esq., and arrived in Kingston aforesaid, on the 28th day of said month of December; the said schooner being much damaged in her sails and rigging by the inattention of the prizemaster. And this deponent further maketh oath and saith, that the agents of the said ship La Franchise, having proceeded against the said schooner Bethia and cargo in the Court of Vice Admiralty, in the said island, for an intentional breach of blockade, this deponent caused a claim to be put in for the same, on behalf of the aforesaid owners. That on the 12th day of January, instant, the same came on to be heard, when his honor, the judge of the said court, was pleased to condemn the said schooner and cargo, as prize to His Britannic Majesty's said ship of war, La Franchise.

THOMAS BROWN.

Sworn before me, this —— day of January, 1805.
GEORGE KINKEAD.

UNITED STATES OF AMERICA, } ss:
State of New York, }

By this public instrument, be it known to all whom the same doth or may concern, that I, Edward W. Laight, public notary in and for the State of New York, by letters patent under the great seal of the said State, duly commissioned and sworn, and in and by the said letters patent invested with full power and authority to attest oaths, to any person or persons, do hereby certify, that, on the day of the date hereof, before me the said notary, at the city of New York, personally came and appeared Jaques Ruden and Israel Benjamin Jacobs, who, in my presence, then and there respectively subscribed the affidavits hereunto annexed, and each being by me duly sworn, deposed and said that the contents of the affidavit by him were true.

Whereof an attestation being required, I have granted this under my notarial firm and seal.

Done at the city of New York, in the said State of New York, the 9th day of May, in the year one thousand eight hundred and five.

E. W. LAIGHT, *Notary Public.*

UNITED STATES OF AMERICA, } ss:
City of New York, }

Jaques Ruden, of the city of New York, merchant, being duly sworn, saith, that he was the true and lawful owner of the American schooner the Performance, Isaiah Smart, master, her tackle, apparel, and furniture, and of the general cargo laden on board her at New York, the tenth of December, one thousand eight hundred and four, the said schooner then lying in the harbor of New

York, and bound on a voyage to Curacoa. And this deponent further saith, that no person or persons whatever, being a subject or subjects, citizen or citizens of France, or of the United Provinces, or of the Batavian, Italian, or Ligurian Republics, their factors or agents, nor any other enemies of the Crown of Great Britain, had, at the time of the shipping of the said cargo, or at the time of the capture of the said schooner, any right, title, or interest, either directly or indirectly, in and to the said schooner, her tackle, apparel, and furniture, or to her cargo, so laden on board of her by this deponent as aforesaid, or to any part thereof; but that the said schooner and her cargo aforesaid, did, at the time of the departure of the said vessel on the voyage aforesaid, and at the time of her capture, belong to this deponent, and would so have belonged to him had she arrived in safety at Curacoa, the port of destination. And this deponent further saith, that he is a citizen of the United States of America, and was, at the time of the shipping of the said cargo, and still is, a resident of the city of New York.

JAQUES RUDEN.

Sworn this 9th day of May, 1805, before me,
E. W. LAIGHT, *Notary Public.*

JAMAICA, *ss.*

Isaiah Smart, at present of the city and parish of Kingston, in the county of Surry, in the said island, master mariner, master of a certain schooner or vessel called the Performance, Israel Benjamin Jacobs, at present of the said city and parish of Kingston, late supercargo on board of the said schooner, Benjamin Remington, at present of the same place, mariner, the mate of the said schooner, and Zachariah Rhodes, at present also of the same place, mariner, a seaman on board of the said schooner, being duly sworn on the Holy Evangelists of Almighty God, severally and respectively make oath and say, that, on or about the 13th day of December now last past, they, these deponents, respectively departed and sailed, in and on board the said schooner or vessel, called the Performance, from the port of New York, in the United States of North America, cleared out for and bound to the island of Curacoa, with a cargo consisting of provisions and a few bales of dry goods, the property of Jaques Ruden of the city of New York, merchant, consigned to this deponent, the said Israel Benjamin Jacobs, for sales and returns. And these deponents further severally make oath and say, that after their departure from New York, as aforesaid, they proceeded on their voyage for and towards Curacoa aforesaid, without anything material happening, (except meeting with several gales of wind) until about six o'clock in the morning of the 4th day of January last, when they had come in sight of the island of Bonaire, which was at that time bearing south southwest, and distant about three leagues; and these deponents say, that they made all sail, and run down with the said schooner close under the northwest point of the said island of Bonaire, making the best of their way for Curacoa; and that about nine o'clock in the morning of the said last mentioned day, a sail, which afterwards proved to be His Britannic Majesty's ship Franchise, commanded by the honorable John Murray, Esq. was descried from the said schooner, to the eastward, close under the said island of Bonaire, which sail immediately bore down for the said schooner: and these deponents further severally say, that the said schooner continued to make all sail for Curacoa, and the said ship Franchise chased the said schooner, firing frequently at her, till about 11 o'clock on the same day, when the peak of the said island of Bonaire bearing east northeast, three or four leagues distant, and the platform at Curacoa bearing southwest, and the said ship Franchise drawing near, the said schooner hove to for her to come up, which she did in a short time afterwards, and a boat was then sent from her on board the said schooner, with orders for these deponents, the said Isaiah Smart, Israel Benjamin Jacobs, and Benjamin Remington, to go on board the said ship Franchise; and these deponents, the said Isaiah Smart, Israel Benjamin Jacobs, and Benjamin Remington, for themselves, respectively, further severally say, that, in pursuance of the aforesaid orders, did go on board the Franchise, carrying with them all the papers belonging to the said schooner and her cargo, and that the honorable John Murray, Esq. the commander of the said ship, afterwards (and without warning of the said schooner from entering Curacoa,) took possession of the said schooner, and sent on board of her a prizemaster and crew, from the Franchise, (together with these deponents,) with orders to proceed with the said schooner for the island of Jamaica aforesaid, where she arrived on the 9th day of the said month of January last. And these deponents further severally say, that since the arrival of the said schooner in this island, she hath been, together with her cargo, proceeded against in the Court of Vice Admiralty of the said island; and these deponents, the said Isaiah Smart, and Israel Benjamin Jacobs, caused a claim to be interposed for the same; but the said schooner and her cargo (except the private adventures of these deponents, the said Isaiah Smart and Benjamin Remington) have been by the said court condemned and confiscated as good and lawful prize to His Britannic Majesty's said ship Franchise, on the ground, as these deponents are informed, and believe, of an intentional breach of blockade.

ISAIAH SMART.
ISRAEL B. JACOBS.
BENJAMIN REMINGTON.
ZACHARIAH RHODES.

Sworn before me this 11th day of February, 1805. WM. SAVAGE, *Magistrate.*

UNITED STATES OF AMERICA, } *ss:*
City of New York, }

Israel Benjamin Jacobs, at present in the city of New York, merchant, being duly sworn, deposeth and saith, that he was the supercargo of the schooner Performance, on her late voyage, and that the foregoing is a true and accurate copy of the original protest made at Jamaica, and that the facts therein set forth are true in all respects.

I. B. JACOBS.

Sworn this 9th day of May, 1805, before me.

E. W. LAIGHT, *Notary Public.*

UNITED STATES OF AMERICA, } *ss:*
City of New York, }

Thomas Stagg, junior, of the city of New York, merchant, being duly sworn, deposeth and saith, that he, together with Thomas Snell and Peter Stagg, likewise of the city of New York, merchants, were the true and lawful owners of the brig Lapwing, Lemuel Bourne, master, on her late voyage to Curacoa, and of the cargo on board of the said vessel, and that no person or persons whatever, being a subject or subjects, citizen or citizens of France, or of the United Provinces, or of the Batavian, Italian, or Ligurian Republics, or inhabiting within the territory of France or the United Provinces, or of the Italian, Batavian, or Ligurian Republics, their factors or agents, or any other enemies of the Crown of Great Britain, had, either directly or indirectly, any right, title, or interest in the said brig, the Lapwing, or her cargo, or any part thereof, at the time of her sailing from New York, on her late voyage, or at the time of her capture, but that the said vessel and her cargo belonged to this deponent and the said Thomas Snell and Peter Stagg, and would so have continued to have belonged to them, had the said vessel arrived in safety at her port of destination, and until the said cargo had there been sold and disposed of, for and on account of his deponent and the said Thomas Snell and Peer Stagg; and this deponent further saith, that he was not, nor were the said Thomas Snell and Peter Stagg, or either of them, at the time of the ailing of the said vessel on the voyage aforesaid, or at any time after, nor are they, or either of them, at this present time, engaged in any partnership in any house of trade belonging to any person or person enemies of the Crown of Great Britain, esiding within any of the territories of France, f the United Provinces, or of the Batavian, Italan, or Ligurian Republics. And he further saith, hat he is a natural born citizen of the United States of America, and that the said Thomas Snell and Peter Stagg are likewise natural born itizens of the United States of America, and that e, this deponent, and the said Thomas Snell and Peter Stagg were, at the time of the shipping of he cargo on board of the said vessel, in the voyage aforesaid, and still are residents of the city of New York, carrying on trade under the firm of Snell, Stagg, and Co.; and this deponent further aith, that he did not know at the time of sailing f the vessel on the voyage aforesaid, that the land of Curacoa was in a state of blockade. And this deponent further saith, that the annexed nstrument of writing is a true and accurate copy f the protest received by this deponent from amaica.

THOMAS STAGG, jun.

Sworn this 10th day of May, 1805, before me,

E. W. LAIGHT, *Notary Public.*

UNITED STATES OF AMERICA, } *ss:*
City of New York, }

I, Edward W. Laight, a public notary for the State of New York, do hereby certify, that on the 10th day of May, in the year of our Lord one thousand eight hundred and five, personally appeared before me Thomas Stagg, jun., the person named in and who subscribed the aforegoing affidavit, and was by me duly sworn to the contents of the affidavit by him before subscribing.

Quod Attestor,

E. W. LAIGHT, *Notary Public.*

JAMAICA, *ss:*

Lemuel Bourne, at present of the city and parish of Kingston, in the county of Surry, in the said island, and master mariner, late master of the brig Lapwing, from New York in the United States of America, and Charles Selden, also at present of the city and parish of Kingston aforesaid, mariner, late mate on board of the said brig, being respectively duly sworn on the Holy Evangelists of Almighty God, severally make oath and say, that, on the 28th of October now last past, the said brig Lapwing sailed from New York aforesaid, with a cargo on board of her consisting of dry goods, cheese, claret, flour, provisions and lumber, the property of, and belonging to Messrs. Snell, Stagg, and Co. of the said city of New York, merchants and co-partners, destined for the island of Curacoa, and consigned to a Mr. Joseph Foulke, merchant there; and these deponents further severally make oath and say, that they did not speak with any vessel, nor meet with any material occurrence during their voyage, save only that the said brig Lapwing was very leaky from the commencement of her voyage, and continued so until the time of her capture, as hereinafter is mentioned, insomuch as to render it necessary to pump every quarter of an hour. And these deponents further severally make oath and say, that, at eight o'clock A. M. on Monday, the 12th day of November now last past, they saw the island of Bonaire, and at two o'clock P. M. on the last mentioned day, when off the east end of Curacoa, the brig was captured by His Britannic Majesty's ship of war Diana, Thomas James Maling, Esq. commander, and sloop Pelican, John Marshall, Esq. commander, on the pretence, as they informed these deponents, that the said brig was bound to a blockaded port. And these deponents further severally make oath and say, that the said John Marshall took this deponent, Lemuel Bourne, and the whole of the crew, except this deponent, Charles Selden, and one sick man, out of the said brig Lapwing, on board the said sloop Pelican, and ordered the said brig Lapwing down to this island for adjudication. And these deponents further severally make oath and say, that the said brig Lapwing arrived in the harbor of Port Royal, in the said island of Jamaica, on the 21st day of the said month of November, and shortly after the said Thomas James Maling and John Marshall, on behalf of themselves and their officers, seamen, marines, and mariners, instituted a suit in the

Vice Admiralty Court of the said island against the said brig Lapwing and the cargo on board her; and this deponent, the said Lemuel Bourne, further saith, that having caused a claim to be filed in the said court, to the said brig's cargo, on behalf of the said Messrs. Snell, Stagg, and Co., the owners thereof, the same came on to be heard at the city and parish of Kingston aforesaid, on Monday the 17th day of December now instant, when his honor the judge of the said court was pleased to condemn the said brig and cargo, from which said sentence this deponent's counsel prayed leave to appeal, and which was granted in the usual terms.

LEMUEL BOURNE.
CHARLES SELDEN.

Sworn before me, this 19th day of December 1804.
WM. SAVAGE, *Magistrate*

BRITISH CAPTURES.

Schooner Charlotte, Masterton.

Insured for B. Dupoy, 19th of October 1803, from Cape Francois to New York.

On cargo, $11,000 at four and a half per cent. - - - - - - $10,780

This cargo consisted solely of coffee, purchased and received from the French Government for the outward cargo sold to them, and it was at all times the true and *bona fide* property of B. Dupoy the assured.

This vessel sailed from Cape Francois 19th October, 1803, and on the same day, going out of the harbor, was taken by the British frigate Æolus, then lying there, and by Commodore Loring, of the British M. W., ordered for Jamaica. On the 24th, at midnight, captured by a French privateer commanded by one John Madelean, who carried them to St. Jago de Cuba. The captain applied to the Governor for redress, but none was afforded; the most part of the cargo taken out of the vessel, and the remainder offered for sale.

Schooner Independence, James Taylor.

Insured for B. Dupoy, 25th October, 1803, from New York to Cape Francois.

If forbid entering Cape Francois, to proceed to any port in the West Indies, not blockaded.

Vessel - - - - - - -	$2,200
Cargo - - - - - - -	3,300
	$5.574

Particulars of cargo: twelve casks of claret, pork, beef, flour, lard, cheese, sweet oil, soap, candles, onions, and empty bags. This vessel was within three leagues of the harbor of Cape Francois on the 16th November, 1803, His Britannic Majesty's sloop of war La Blanche and three others cruising off the harbor, and his register endorsed by Captain Mudge of the La Blanche not to enter said harbor, or go within three leagues of it; if he did, he should take possession of said schooner. In half an hour after the captain returned on board, a boat from the Bellerophon took charge of and ordered the schooner Independence for Jamaica, and she arrived there the 26th November. This vessel was condemned in Jamaica, and the cost to the owners enormous.

Ship Mercury, Speck

Insured for John Juhel, 24th July, 1804, from Martinique to New York.

In cargo - - - - - - $10,000

Cargo, two hundred and seventeen hogsheads clayed, six hogsheads Muscovado, and one tierce brown sugar. This vessel was captured 11th September, 1804, by the Galatea frigate, Heathcote, carried to Antigua, and there condemned on the 7th October, 1804.

This vessel was a fine French ship, purchased in Martinique by Archibald A. Cock for account of his master, John Juhel of New York. Archibald A. Cock had been sent to Martinique to collect debts chiefly arising from cargoes sent there while under the British Government, due the said John Juhel, to receive consignments of cargoes from him, to make contracts for sugar and coffee, and to pay for the same from proceeds of the outward cargoes, and make returns to New York.

So far as can be collected from the papers, it appears that A. A. Cock was considered as domiciled at Martinique, and consequently affects the property of his master, a citizen of the United States, but is generally condemned as enemy's property.

Schooner Nancy, Hurd.

Insured for John Juhel, 5th March, 1804, from New York to Martinique, and, if ordered away by a British cruiser, to proceed to St. Thomas and from thence to New York, warranted American property, in cargo eight thousand five hundred dollars - - - - - - $8,527

Cargo of this vessel sugar and coffee. This vessel arrived at Martinique without interruption, and, on the homeward voyage was captured on the 29th of April, 1804, by the frigate Boston, Captain Douglas, sent to and condemned at Halifax, for a breach of blockade at Martinique, notwithstanding the orders to Commodore Hood respecting the blockade of Martinique and Guadaloupe.

An appeal is preferred to the lords in England.

Brig Jefferson, J. Crocker.

Insured for Ignatius P. Longchamp, 28th June 1804, from Bordeaux to New York.

Vessel - - - - - - -	$4,000
Cargo - - - - - - -	12,000
	$16,000

Cargo consisted of wines, brandy, and some other articles. This vessel was purchased in France with property left there by him and for his sole account. The cargo also purchased from the same means, the amount left in France in debts due Mr. Longchamp, as appears from sundry documents.

This vessel was captured off the Hook, on the 26th July, by the Cambrian and Leander, ordered for Halifax, the vessel and cargo condemned the 24th September, 1804.

This is a flagrant act of injustice. The only cause for condemnation we can discover, is, that Mr. Longchamp had been in France in the last three years, and that his brother was a conscript in the French service.

Mr. J. P. Longchamp is a native of Avignon.

An appeal is preferred to the lords in England.

Ship John, Patterson, from New Orleans to Bordeaux.

Insured for Joseph Thibaud, 13th March, 1805.
Cargo $4,000 - - - - - - $4,000

The John sailed from the Balize on the 28th of February, 1805, with a load of cotton, indigo, logwood, and mahogany; on the 30th of the same month, in latitude 36° 40′ north, lon. 64° 00′ west, was captured by the Cambrian, M. W. Captain Beresford, and ordered to Halifax. The ship is condemned on the ground that Mr. Carricabara, the former owner, a French citizen, never duly authorized Mr. Thibaud to make sale of the ship. The fact is, that Mr. Thibaud, the agent of Carricabara, did endeavor to sell the ship, but could not effect it: finally, he becomes himself the purchaser, and the amount passed to the credit of Mr. Carricabara. Afterwards Mr. Thibaud sold a moiety of said ship to a Mr. Ignatius Longchamp, and gave him a bill of sale therefor.

The above cargo is condemned merely because it does not appear to the Vice Admiralty Court at Halifax, what property Mr. Thibaud had at New Orleans to make the purchase.

Ship John, Patterson.

Insured from New Orleans to Bordeaux, for Joseph Thibaud.
Cargo $11,800 - - - - - - $11,800

On sugar and indigo, the property of Mr. P. Lanusse, of New Orleans.

This property is reserved for further proof.

Schooner Araminta, Smith.

Insured for J. P. Durand, 31st July, 1824, at and from Cayenne to New York.
Cargo $12,000 - - - - - $12,000

Cargo consisting of rocoa, cotton, cocoa, and palm oil. This vessel sailed from Cayenne on the 18th of July, 1804, and on the 15th of August following, was captured within four leagues of the light-house of Sandy Hook by the Leander, B. M. W. Skeene, commander, and ordered for Halifax, where they arrived on the 27th of the same month.

The Araminta's cargo was condemned at Halifax on the ground, so far as we can collect, that Mr. Durand did not account for the means of purchase, and that the outward cargo, belonging to another person, was contraband of war.

Ship Manhattan.

Insured for Frederick and Philip Rhinelander, the 14th of June, 1804, from New York to Batavia, one other port in India, and back to New York.
In vessel $40,000, valued at that sum - $40,000

This vessel was chartered for a voyage to Batavia and back by Messrs. Minturn and Champlin, of New York, a cargo was purchased at Batavia, for their account, consisting of sugar, coffee, indigo, cotton-yarn, and spices. On the return was captured by the British armed brig Busy, Captain ——, carried to Bermuda, where, after much trouble, delay, and expense, the vessel was restored, as was the cargo also; but the captors appeal from the sentence, as it appears, merely for the purpose of creating profits from commission to the friends of the captors in Bermuda. The sole cause of capture, so far as can be learned, was, that a Dutch passenger was on board from the Cape of Good Hope.

Ship Penman, Coffin.

Insured for Byrd and Barron, 19th November, 1804, at and from Batavia to Muscat, and back to Batavia, vessel and cargo - - - $22,000

This vessel sailed on a voyage from New York to Antwerp, thence to India. The voyage insured was an intermediate one, on which she was captured, as sailing contrary to the British instructions of 1803.

The Penman was captured, on the 4th of October, by His Britannic Majesty's ship Tremendous, John Osborne, and carried to Columbo, in the island of Ceylon, and there condemned on the 31st of December, 1804, as having carried, and, at the time of the capture, carrying on an illicit trade between the Batavian Republic, her colonies in the East Indies, and of the colonies of her allies.

Schooner Fairplay, Robins.

Insured for P. A. Cammann, 10th of October, 1805, from New York to Curracoa; if blockaded, to proceed to a port that is not. Vessel, freight, and cargo, $15,690 - - - - $15,690

The schooner Fairplay sailed from New York in October, 1804, and was captured on the 7th of November following by His Majesty's ship Diana, and ordered for Jamaica. The capture was made on the pretence of the blockade at Curacoa.

The Fairplay was afterwards retaken by the mate, carried to Carthagena, and the property said to be left in the hands of the Spanish Government; whether any, or what, part will be recovered is uncertain.

Brig Joseph, Winship.

Insured for A. Kirkpatrick, 23d April, 1805, from St. Pierre's, Martinique, to New York.
Cargo $13,000 - - - - - $13,000

This vessel was captured on the 11th of July by a British ship of war, and carried to Tortola, and the cargo condemned on account that the outward cargo was contraband of war.

Ship Mary, Knight.

Insured for Henry Cheriot, 15th March, 1805, from Martinique to New York.

Cargo twenty thousand dollars, warranted that the outward cargo did not consist of articles contraband of war - - - - - - $20,000

This was a cargo of sugar, the property of Mr. Cheriot.

The Mary was captured on the 26th of April, by His Britannic Majesty's ship Ostry, Captain Clinch, and carried to Antigua. The vessel is dismissed, but the cargo detained for proof, on suspicion of being French property. The costs in the island of Antigua are shamefully enormous.

Ship John, Patterson.

Insured for Francis Phillippon, 4th March, 1805, from New Orleans to Bordeaux.

Cargo - - - - - - - $10,000

This cargo consisted of two hundred and fifty boxes Havana sugar. The sugar, the property of a Mr. —— Phillippon, resident at New Orleans, and like Mr. Lauresse's property, is reserved for further proof.

Ship Enterprise, Thompson.

Insured for Joseph Thibaud, 9th of September, 1805, from Bordeaux to New York.

Cargo - - - - - - - $12,000

This vessel is captured and sent into Halifax; the cargo landed and detained for further proof.

Ship Hamilton, Masterton.

Insured for Labouisse & Co., 31st of August, and the 3d of September, 1805, from Bordeaux to New York.

Cargo - - - - - - - $12,000

This vessel was captured by the British brig Busy, Captain Byam, on the 18th September last, about fifty miles from Sandy Hook light-house, sent to Halifax, the cargo detained for further proof.

The Enterprise and Hamilton are two only of several vessels lately sent to Halifax, the proof required it is difficult, and in some cases impracticable, to furnish, and it is a question whether it ought to be submitted to. I subjoin a copy of a letter from Mr. Michael Wallace, the agent of the assured at Halifax. It fully details the sentiments of Judge Croke.

Copy of Mr. Stewart's letter to Mr. Wallace.

HALIFAX, *November* 8, 1805.

DEAR SIR: As the interlocutory decree of the Court of Vice Admiralty, in the cases of the ships Enterprise, Eugenia, Zulima, and Hamilton, will necessarily affect all other neutral ships engaged in the same trade, and as it is a decree that may lead to a final decision of infinite importance, I have thought fit, for the information of our American friends, to trouble you with a few lines on this subject.

These several ships and their respective cargoes were charged, generally, in the allegation of the King's advocate, to be enemies' property, and various grounds were adopted in support of the allegation. Among the number was a point of national law which the counsel for the captors thought fit to raise, upon very loose information afforded by letters found on board the ships, of a late decree of the Government of France, respecting the importation of goods of British growth or manufacture. It appeared by a number of these letters that certificates of origin, as they were termed, had been carried to France by these several ships, for the purpose of proving the growth and manufacture of their outward cargoes. It appeared, also, that, unless those certificates had been produced at Bordeaux, the vessels and their cargoes would, in all probability, have been condemned by the French Government, under the decree before mentioned. And it further appeared that the produce of the French colonies, of which the outward cargoes of those ships chiefly consisted, was exempted from duties on the production of the certificates.

Upon these facts it was contended, on the part of the captors, that a trade carried on to France by neutrals, under the decree in question, was an unusual course of trade, submitted to for the advantage of the enemy. That the certificates of origin were obtained conformably to that decree, and favored the views of the enemy by rejecting all goods of British growth or manufacture, and by entitling the neutral to the same exemption or reduction of duties, that would be granted to a Frenchman; and that such commerce was unneutral upon the general ground of avowed partiality to the known enemy of Great Britain.

On the part of the claimants, it was answered by their advocates, that the information afforded of the decree, as well as of the certificates of origin, and the duties in question, was extremely garbled and incorrect. That taking the facts, however, for granted, it did not appear that the course of trade was any other than that to which neutrals had been entitled by the law of nations for ages past. That the French Government had a right to impose any restrictions whatever in its own trade, and to admit neutrals to a participation of it upon such terms as a regard for its own interest would naturally dictate; that the decree which directed the certificates of origin was of late date, and it was impossible yet to ascertain what would be the conduct of neutrals with respect to it; but that, if they should still continue to carry on their commerce with France, under the restrictions imposed by that decree, they would have a complete right by the law of nations so to do, and would by no means be guilty of that gross partiality, which amounts to unneutral conduct.

The judge, however, was very much inclined to adopt, in his decree, the arguments of the King's advocate, and laid much stress upon the course of trade being unusual, and of its having been resorted to by the enemy, in consequence of our naval superiority. He admitted the certificate of origin would not of itself have been sufficient cause of condemnation, and that a decision to this effect had been given by our courts at the close of the last war. But he observed that the decree in question might impose certain restrictions and limitations which, if complied with, would create a breach of neutrality; that if neutrals, who were favoring the commerce of France, were allowed the same privileges with Frenchmen, by an exemption from duties or otherwise, he could not but consider them in the same light with the subjects of France; and on that account he was desirous of ascertaining in what respect the course of trade *now* carried on with the French ports in the mother country differed from the former and customary line of commerce. He, therefore, directed further proof to be produced to the following points:

1. Of what colony or country the outward cargoes were the growth, produce, or manufacture.
2. Under what certificates the same were admitted to entry in the ports of France, and whether liable to foreign or reduced duties.
3. What are the French laws on this subject, and what limitations are imposed on return cargoes.

The judge, concerning the different interests in the cargoes, observed, that he should require from every claimant a notarial copy of the original letter or order, by virtue of which the goods from France were shipped on neutral account, and that all letters of correspondence, bills of lading, and invoices which concern such shipments, or notarial copies of them, must be produced to the court, verified by the attestation of clerks or other indifferent persons. This proof should be accompanied by the test affidavit, as it is called, of the party himself, swearing to his notarial character, and fully stating his right to the property claimed by him, and the funds by which he acquired it. It should conclude with the usual averment, that no enemy of Great Britain has any concern in the goods; that they were at the time they were shipped, and at the time of the capture, and would now be if restored, the sole and exclusive property of the claimant.

The judgments of professional gentlemen in the States can surely supply any further direction that may be necessary on the point of property.

You will, no doubt, write to your several correspondents by this opportunity, and I have only to request you will assure those gentlemen of the best having been done for them, and that they shall have a continuance of my exertions.

I am, &c. JAMES STEWART.

Ship Belisarius, Holmes, from New York to Bordeaux.

Insured for J. P. Longchamp, 12th June, 1805.

On cargo - - - - - - -	$3,030
F. Huguet - - - - - - -	775
E. Stevens - - - - - - -	5,500
Ditto, freight - - - - - -	1,500
	$13,805

This vessel was captured by the British, and carried into England; the property detained for further proof. This vessel and part of the cargo belongs to General Stevens, nor is there a doubt (so far as I can learn) but that the property was all American.

Brig Little Cornelia, from New York for Amsterdam.

Insured for J. Arden, the 6th, 13th, and 23d August, 1805.

On vessel - - - - - - -	$4,500
On cargo of sugar - - - - -	13,000
On logwood - - - - - - -	750
On freight - - - - - - -	2,500
	$20,750

This vessel is sent into a port in England for adjudication; particulars not yet known. The property that of Mr. Arden, of this city; the sugars imported from Martinique, by him landed, and the duties secured here.

Ship Cicero.

Insured for Gouverneur and Kemble, the 13th August, and 2d September, 1805.

On cargo of Havana sugars - -	$26,420

This vessel is also sent into England, no particulars known. The sugars the property of Messrs. Gouverneur and Kemble.

Total amount of British captures - $288,946

FRENCH CAPTURES, &c.

Brig Hector, of New York, Thomas Harding.

Insured for William Armstrong, junior, 28th June, 1804.

September 9, 1804, paid a total loss on several invoices:

Provisions and lumber - - -	$4,091 50
Ditto, another policy of provisions -	142 10
Ditto, on freight - - - - -	2,009 00
	$6,242 60

Taken by two French privateers on the 23d July, and finally carried to Baracoa, in Cuba.

NOTE.—This property was British, in an American vessel. Protest sent to the Secretary of State's office, July 5, 1805.

Schooner Eagle, Thomas Barber.

Insured for John Troop, from New York to Jamaica, on the cargo, and to Jamaica back, on the vessel.

September 10, 1804, paid total loss on

vessel - - - - - - - -	$2,450
Cargo, provisions, and lumber - -	5,684
	$8,134

NOTE.—This vessel, as well as cargo, were owned by John Troop, a citizen of the United

States, and resident in New York, captured on the 17th June, 1804, by the French privateer schooner Sansculotte, Rolly, and carried to Baracoa.—Protest sent to the Secretary of State's office, 5th July, 1805.

Schooner Polly, John Biglay.

Insured for John Troop, from New York to Montego Bay, Jamaica.

October 22, 1804, paid a total loss on cargo	$4,214

This was a cargo of provisions, shipped by John Troop for his own account.

Captured by a French privateer on 13th July, 1804. Protest sent to the Secretary of State's office, 5th July, 1805.

Brig Twins, Crowe.

Insured by Thomas Buchanan, 20th February and 11th March, 1805.

On vessel paid total loss	$8,000
Freight do	2,000
Cargo do.	10,595
	$20,595

From New York to Jamaica.

This vessel was owned by Thomas Buchanan, of New York. The cargo was on account of British planters in Jamaica, and vessel and cargo captured by three French privateers on the 11th April last, and carried to Baracoa, in Cuba.

Protest sent to the Secretary of State's office, 5th July, 1805.

Copy of a letter to the honorable Secretary of State.

Office of the United Insurance Co.,
New York 5th *July*, 1805.

Sir: In behalf of the United Insurance Company, in the city of New York, I have the honor to transmit you an account of captures, made by certain French privateers, of property insured by the said company. We have no reason to believe that the property was ever condemned by any competent tribunal; on the contrary, we apprehend the same was converted to the private use of the captors, without the form of judicial proceeding.

Captures of a similar nature having frequently occurred, the United Insurance Company have felt it their duty to transmit to the Government of the United States a correct statement of the circumstances accompanying the violation of our neutral commerce, and a full detail of the facts will be found in the enclosed documents.

They confide in the wisdom and justice of Government to adopt all necessary measures for their indemnity for past injuries, and their security against future ones of a similar nature.

I have the honor, &c.

J. DELAFIELD, *Pres't.*

LIST OF CAPTURES.

Brig Hector, of New York, Thomas Harding, from New York to Jamaica.

William Armstrong, jun., Sept. 9, 1804, paid total loss on several invoices:

Provisions and lumber	$4,091 20
Do. another policy, provisions	142 10
Do. on freight	$2,009 00
	$6.242 60

Taken by two French privateers on the 23d of July, and finally carried to Baracoa, in Cuba.

Note.—This property was British, in an American vessel.

Schooner Eagle, Thomas Barber.

New York to Jamaica on the cargo, and to Jamaica and back again on the vessel.

John Troop. September, 10, 1804, paid a total loss on vessel	$2,450
On cargo, provisions and lumber	5,684
	$8,134

Ship Andromache, Heckle.

Insured for Thomas Buchanan, 15th and 29th August, 1804, from New York to Jamaica.

Cargo belonging to persons resident in Jamaica,	$8,900
Ditto, ditto	475
Freight	$3,000
Vessel	$8,000
	$20,375

The Andromache was captured on the 5th October, 1804, by the French privateer Democrat, Jerome, commander; and, on the 9th of the same month, was re-captured by the British S. W. La Sagesse, carried to Jamaica, and the property in vessel and cargo released on paying a salvage of one eighth per cent. and charges.

Ship Almy, Crowe.

Insured for Thomas Buchanan, 3d July, 1805, from New York to Falmouth, Jamaica, cargo belonging to persons resident in Jamaica	$12,435 00
Total amount of French captures	$72,215 60

The Almy was captured on the 26th June, by the French privateer schooner La Confiance, Captain La Paze, and carried to Baracoa, in Cuba; arrived there 28th June.

SPANISH CAPTURES, &c.

Brig Success, Brum.

Insured for George Barnwall, from Jamaica to New York, 30th July, 1805; cargo ten puncheons rum	$630

The Success was captured on the 13th July, 1805 by a Spanish galley, belong to the Havana, called La Bonne Union, commanded by Captain Cæsar, manned with thirty or forty Spaniards and Frenchmen, with one Irishman, who served as an interpreter. That three days after the said capture, the said Captain Brum, the passengers, eight in number, and the people of the said brig, were all ordered below, and the hatches shut upon them; in this situation they were kept through the night. In the morning, the crew of the galley prepared their knives and cutlasses and clubs, opened the forecastle and called for the captain. That this appearer, with the view of preserving the captain's life, stepped forward and ascended to the deck; that the crew of the galley, with their instruments of slaughter, having arranged themselves in two ranks, compelled the seamen of the said brig to run the gauntlet, while each gave him a blow or a stab as he passed. That Captain Brum and his passengers and crew, were all, in succession, taken from the hold, and treated with the same horrid cruelty, excepting five French passengers. That an English gentleman, by the name of Smith, who was one of the passengers, was beaten with such severity that he sprang into the long boat and broke his ancle in two places; that the mate of said brig, two English passengers, and two seamen, were put in irons on board the galley, and three days afterwards sent ashore at Congaboutee, about one hundred and eighty miles from Havana, and the said brig and remainder of the crew were sent to Campeachy; and it is stated that the property is in the hands of the Government, subject to the orders of the owners.

Philadelphia, *December* 10, 1805.

Sir: Among the numerous captures of American vessels, lately made by British cruisers, the circumstances attending four vessels, taken on their passage from Bordeaux, (three for New York, the other for this place,) has particularly attracted the attention of the merchants and insurance companies of this place, where the property has been principally insured.

Those vessels, carried cargoes from the United States to Bordeaux, and were returning with articles, the manufacture or growth of France, partly the proceeds of the goods they carried out, and partly purchased with their funds. The vessels and their cargoes were libelled in the Vice Admiralty Court at Halifax, and are held for further proof.

By a letter received from the proctor of the claimants, (a copy of which accompanies this,) it appears that the King's advocate advanced on the trial principles new and extraordinary, which were favorably received by the judge, who has called for proofs that have never been required on any former occasion. Such proofs, as have been usual, have actually been sent forward, but strong doubts exist whether the others called for, if obtainable, ought to be adduced. Wishing to act with due circumspection in an affair which may involve important consequences, it has been deemed advisable to submit the case, with such observations as have occurred to us, to the Department of State, that we may benefit of any advice or opinion you may favor us with.

The proofs required by the judge, which to us appears exceptionable, are:

1. Of what colony or country the outward cargo was the growth, produce, or manufacture.
2. Under what certificates were the same admitted to entry in the ports of France, and whether liable to foreign or reduced duties.
3. What are the French laws on this subject, and what limitations are imposed on return cargoes.

We consider the first as exceptionable, inasmuch as it has not been heretofore required; it has been held under former decisions of the British courts that return cargoes are not questionable on account of the outward one, except the latter consisted of articles contraband of war. In the last order of the British King, the exception is confined to the product of articles contraband of war: the embarrassment which the establishing this as a principle would occasion, is too obvious to require explanation.

"2. Under what certificate were the same admitted to entry in the ports of France, and whether liable to foreign or reduced duties."

To this, besides the objection already stated, it seems utterly irreconcilable to the principles of justice, that the claimants should be called upon either to prove a negative, or furnish a cause of condemnation of their property. It was suggested by the judge in his reasoning that the permission of importing into France the produce of her colonies by neutrals, while those of the British dominions were excluded, was, of itself, a breach of neutrality, and if on reduced duties that would be an additional reason.

The fact (as respects those ships,) is, that they carried from the United States cargoes taken on freight, from various people, and consisting of articles, the produce of the United States, and of the French and Spanish colonies; the cargoes with which they were returning are not precisely the proceeds of the outward ones, nor all belonging to the same persons; it is, therefore, imposing upon the owners of the present one a most unreasonable task, and has this still further disadvantage that, if those proofs are furnished in cases in which they are attainable, in every instance in which that could not be done, it may be deemed a ground for condemnation; besides, it would be used for a precedent on all future occasions.

To the third there is no objection, but that it puts upon the claimant a proof which, if material, ought to be adduced by the captors. If, as they contend, the laws of France, which provide for neutral commerce, are a ground of condemnation, the proof of the existence of such law in reason rests with the captors.

As the French laws are explained to us, they provide against the introduction into that kingdom of any goods or merchandise, the manufacture or growth of any of the dominions of Britain. And it is, therefore, required that all goods carried there should be accompanied with certificates, showing of what country they are the manufacture or growth, and such certificates are to be verified by the commercial agent of France at the port of their shipment, or his deputy; these are called certificates of origin, and are indispensable.

With respect to the reduced duties, we understand that there has existed in France, (many years previous to the revolution,) a regulation which provided that the exporters of goods from her colonies, by paying certain duties at the place of export, would be allowed an abatement on the duties, to which they would otherwise be liable on their introduction into France. When that law was decreed, French subjects only could export the products of her colonies to the mother country. Since the revolution the like provision has been extended to all persons exporting those products; but we are informed that it is embarrassed with so many provisions and difficulties that the abatement in France is seldom claimed, and much seldomer obtained. Some imperfect notices, extracted from letters found on board those ships, has probably suggested this inquiry, and not any certain knowledge of the law, or its effect on the goods in question.

To the latter part of the third proof required, it can be established that no condition is exacted from the exporters of goods from France to any neutral country.

In the present state of our commerce, the principles to which we have referred cannot be viewed by the merchants and underwriters of this city without extreme anxiety. Relying on the decisions which formerly took place in the British courts, the merchants of this country have risked property to an immense amount, much of which is now at hazard, and depending on the establishment of the principles which are the subject of this communication.

The time limited for exhibiting our proofs at Halifax expires on the 8th February. If you shall deem it necessary to favor us with any communication on the subject, it may be in time, and will be used in such way as you may advise.

We are, &c.

THOMAS FITZSIMONS,
Pres't Del. Ins. Co. of Philadelphia.
JAMES S. COX,
Pres't Ins. Co. of Pennsylvania.
JOSEPH BALL,
Pres't Ins. Co. of Philadelphia.
CHARLES PETTIT,
Pres't Ins. Co. of North America.

JAMES MADISON, Esq.

HALIFAX, *November* 8, 1805.

DEAR SIR: As the interlocutory decree of the Court of Vice Admiralty in the cases of the Enterprise, Eugenia, Zulema, and Hamilton, will necessarily affect all the other ships engaged in the same trade; and as it is a decree which may lead to a final decision of infinite importance, I have thought it fit, for the information of our American friends, to trouble you with a few lines on the subject of it. These several ships, and their respective cargoes, were charged generally in the allegation of the King's advocate, to be enemy's property, and various grounds were adopted in support of the allegation. Among the number was a point of national law, which the counsel for the captors thought fit to raise, upon very loose information, afforded by letters found on board the ships, of a late decree of the Government of France respecting the importation of British goods or manufacture. It appeared, by a number of those letters, that certificates of origin, as they were termed, had been carried to France by these several ships, for the purpose of proving the growth and manufacture of their outward cargoes. It appeared, also, that unless these certificates had been produced at Bordeaux, the vessels and their cargoes would, in all probability, have been condemned by the French Government under the decree before mentioned; and it further appeared, that the produce of the French colonies, of which the outward cargoes of these ships chiefly consisted, was exempted from duties on the production of the certificates. Upon these facts, it was contended, on the part of the captors, that a trade carried on to France by neutrals, under the decree in question, was an unusual course of trade, submitted to for the advantage of the enemy; that the certificate of origin was obtained conformably to that decree, and favored the views of the enemy, by rejecting all goods of British growth and manufacture, and by entitling the neutral to the same exemption, or reduction of duties, that would be granted to a Frenchman; and that such commerce was unneutral, upon the general ground of avowed partiality to the known enemy of Great Britain.

On the part of the claimants it was answered by their advocates, that the information afforded of the decree, as well as of the certificate of origin, and the duties in question, was extremely garbled and incorrect; that taking the facts, however, for granted, it did not appear that the course of trade was any other than that to which neutrals had been entitled by the law of nations for ages past; that the French Government had a right to impose any restriction whatever upon its own trade, and to admit neutrals to a participation of it, upon such terms as a regard for its own interest would naturally dictate; that the decree which directed the certificate of origin was of late date, and it was impossible yet to ascertain what would be the conduct of neutrals with respect to it, but if they should still continue to carry on their commerce with France, under the restrictions imposed by that decree, they would have a complete right, by the laws of nations, so to do, and would by no means be guilty of that gross partiality which amounts to unneutral conduct. At all events, supposing the greatest mischiefs to result to the British Government from such commerce, it was a subject for the consideration of the Ministry, and could not be a ground of legal argument in a Court of Vice Admiralty.

The judge, however, was very much inclined to adopt, in this decree, the arguments of the King's advocate, and laid much stress upon the course of trade being unusual, and upon its having been resorted to by the enemy, in consequence of our naval superiority. He admitted that the certificate of origin would not, of itself, have been sufficient cause of condemnation, and that a decision to this effect had been given by our courts at the close of the last war; but he observed, that the decree in question might impose certain restrictions and limitations, which, if complied with, would create a breach of neutrality; that if neutrals, who were favoring the commerce of France, were allowed the same privileges with Frenchmen, by an exemption from duties, or otherwise, he could not but consider them in the same light with the subjects of France, and on that account he was desirous of ascertaining in what respect the course of trade now carried on with French ports, in the mother country, differed from the former and customary line of commerce. He, therefore, directed further proofs to be produced, to the following points: 1. Of what colony, or country, the outward cargoes were the growth, produce, or manufacture? 2. Under what certificates were the same admitted to entry into the ports of France. and whether liable to foreign or reduced duties? 3. What are the French laws upon this subject, and what limitations are imposed on return cargoes.

I should imagine that further proof might be obtained to these several points, by an application to the French Minister in America for the law on the subject, and by applying to the customhouse for the history of the outward cargoes. The judge, concerning the different interests in the cargoes, observed, that he should require from every claimant a notarial copy of the original letter, or order, by virtue of which the goods from France were shipped on neutral account, and that all letters of correspondence, bills of lading and invoices which concern each shipment, or notarial copies of them, must be produced to the court, verified by the attestation of clerks or other indifferent persons. This proof should be accompanied by the test affidavit, as it is called, of the party himself, swearing to his national character, and fully stating his right to the property claimed by him, and the funds by which he acquired it. It should conclude with the usual avowment, that no enemy of Great Britain had any concern in the goods; that they were, at the time they were shipped, and at the time of the capture, and would now be, if restored, the sole and exclusive property of the claimant. The judgments of professional gentlemen in the States, can supply any further directions that will be necessary upon the point of property. You will, no doubt, write to your several correspondents by this opportunity, and I have only to request that you will assure those gentlemen of the best having been done for them, and that they shall have a continuance of my exertions. I am, &c.

JAMES STEWART.

John Black, Esq., of the house of Forsyth, Smith, and Co., Halifax.

Newport, R. I., *December*, 7, 1805.

Sir: Subjoined you have a list of American vessels insured by the Rhode Island Insurance Company, established at this place, which have been captured by some of the Powers at war, and in consequence thereof abandoned to said company.

Schooner Polly of Newport: owners John Bigley and Charles Cozzens, both of said Newport, burden of vessel about one hundred tons.

Circumstances of the capture: On the 18th of June, 1803, she sailed from New York, bound on a voyage to Jamaica, and thence back to New York, with a cargo of lumber and provisions; vessel and cargo of the value of about five thousand dollars. On the 13th day of July following, on her outward passage, lat. 20° 20′ north, she was captured by a French privateer called the Two Friends, commanded by —— Beson, if his name be rightly recollected. The master with his papers was taken and detained on board the privateer; the mate and crew put on board a boat and compelled to leave the schooner and provide for their safety as they might; fortunately they arrived safe to land. Captain Bigley was put on shore at Miaguiagua, S. W. part of Porto Rico, being first stripped of his papers, and the property about him.

The prizemaster and men put on board the schooner, conducted her to Samana, in the island of Hispaniola. Vessel and cargo, according to information, were sold there by order of Government, and the proceeds deposited in the public treasury, to be paid over to the concern. The amount of these proceeds is not known; but report makes it a trifle compared to the value of the property. What or whether any process was instituted against her by the captors is not known, or whether they had any commission; it is supposed they had none. Owing to the difficulty and infrequency of the communication, it has not yet been in the power of the concern to obtain the proceeds.

Brig Orange, of Newport: owner, Thomas Dennis, of Newport; master, Stephen A. Wanton, of ditto; burden of the vessel about —— tons.

Circumstances of capture, &c.—On the 15th day of June, 1804, she sailed from Newport, bound on a voyage to Jamaica, and from thence back to Newport, with a cargo of dry and pickled fish, &c., valued at about eight thousand dollars. On the —— day of August, 1804, she was captured by a French privateer, called the ——, commanded by ——, and carried into Baracoa, and there disposed of by the captors, but in what manner is not known.

Schooner Sea Flower, of Newport: owner, John Clarke, of Newport; master, the same John Clarke; burden of the vessel about ninety-three tons.

Circumstances of capture.—On the 26th day of December, 1804, within one mile of the shore of the Island of Cuba, and in sight of the Moro Castle, and bound to Havana, she was captured by a French privateer, called the Napoleon, and commanded by ——, master. Captain Clarke petitioned the Government at the Havana to have the property liberated, as being captured within that jurisdiction. Pending this petition, to avoid delay and expense, Captain Clarke made a compromise with the captors, by which he agreed to pay them nine hundred dollars, and they agreed to release the property; he paid the nine hundred dollars, and they executed the release, and the prize-master and Frenchmen quitted the vessel. Clarke then informed the Government of what had been done, produced the release, and requested the Spanish guard on board the Sea Flower might be withdrawn. The Spanish Government demurred from day to day, on one pretence and another, till at length one of the officers of the privateer presented a new petition, claiming the prize anew. Thereupon the Government immediately decreed that the property should be delivered to the captors, upon their giving bonds to abide the decree of the French Government at St. Domingo. The agent of Clarke offered to take the property and deposit in court twenty-four thousand dollars, to abide the decision at St. Domingo. This was refused, and bond of the captors was accepted for only eighteen thousand dollars; and the only security required to this bond was a mortgage of some land in a distant part of the Island of Cuba. Whether any decree at St. Domingo has since been passed, we have not ascertained; but, from the best information, we presume a decree has been passed; the information is contradictory. One report states that the vessel was acquitted, and the cargo condemned, another that both were condemned.

Schooner Ann and Harriott, of Newport: owners, Robert Stevens and Robert Rogers, of Newport; master, William Shearman, of Newport; burden of the vessel about ninety-three tons.

Circumstances of the capture, &c.—On the 17th of June, 1805, she was captured by a French privateer, called the Lucerne, on her passage to Jamaica; afterwards, on the —— day of ——, 1805, she was recaptured by an English frigate of war, called the Diana, and commanded by —— Molony, and was sent into Jamaica, where the vessel and cargo were libelled and sold for salvage; value of the vessel and cargo about ten thousand dollars.

Brig Mary, of Newport: owner, Thomas Dennis, of Newport; master, John Davis, of ditto; burden of the vessel about one hundred tons.

Circumstances of the capture, &c.—On the 8th day of April, 1805, she sailed from Newport for Jamaica, loaded with codfish, provisions, &c.; that the 26th same month she was captured by a French armed boat, whether commissioned or not unknown. The crew of the brig were forced into a boat, with some provisions, and driven off to one of the Bermuda Islands. The brig and cargo were carried to Baracoa, in the Island of Cuba. No process whatever was instituted against the property by the captors; they there embezzled the cargo and sold the vessel. The loss is about ten thousand dollars.

The office has an interest in the brig Rowena, Robinson Potter, master, condemned in England in the course of the Summer past, but the circumstances of that case are not here detailed, as other offices, who have a greater interest in the same vessel, have already, or will represent them. The vouchers, in proof of the foregoing statements, will be forwarded, if necessary, with perfect confidence that these lawless depredations on our commerce will be properly felt and noticed by our Government. I am, &c.

SAMUEL VERNON, Jr., *Pres't.*

Hon. JAMES MADISON, *Sec. of State.*

To the honorable James Madison, Esq., Secretary of State for the United States.

NEWPORT, R. I., *December* 11, 1805.

SIR: The Newport Insurance Company deem it their duty to exhibit to the Government a statement of the losses they have sustained during the present war, by the depredations of the belligerent Powers. Compared with its limited capital and enterprise, it is presumed there are few offices in the United States that have suffered more.

From the instances mentioned in the sequel, it may be collected that, since the 23d day of July, 1804, the aggregate loss to the merchants and the country by lawless captures, exceeds fifty-seven thousand dollars. The company conceive themselves justified in stating that these losses arose from contingencies which no commercial intelligence could foresee, and upon which no commercial prudence was bound to calculate.

The losses they have to enumerate, were sustained in the course of a legal, accustomed, and honestly neutral commerce, carried on by native American citizens, with American capitals, in American bottoms.

These losses may be arranged under two heads:

1st. Captures in the West Indies by piratical privateers with real or pretended French commissions. The property plundered by these privateers has been uniformly taken into the ports of the island of Cuba, and there, with the connivance, or under the protection of the Spanish Government, without any form of trial or pretence for legal condemnation, has been sold and distributed.

2d. Captures in the British Channel by British armed vessels, in consequence of the new principle lately announced by the Courts of Admiralty, viz: that in case a vessel has brought goods from the colony of a belligerent, although she brings them to the United States, and the owners there unlade them, pay the importation duties, finish the concerns of the old voyage, and select and undertake another, with the same vessel and goods, it shall not be deemed evidence of a new voyage, but, on the contrary, conclusive evidence of a continued and uninterrupted voyage from the colony of a belligerent.

Under the first head have occurred the following cases:

No. 1. Brig Orange, S. A. Wanton, master; Thomas Dennis, of Newport, Rhode Island, merchant, owner; laden with fish and provisions bound from Newport to Jamaica; vessel and cargo valued at $10,000. Insured by the Newport Insurance Company, $4.000 on cargo.

Circumstances of capture, &c.—The Orange was taken on the 21st July, 1804, by the French privateer Voltiguese, Captain Moisson, about six leagues from the island of St. Domingo. The officers and men were stripped of everything, even to the clothes on their backs, and left entirely destitute. The property was taken to Baracoa, in the island of Cuba. No form of trial or condemnation was had. The cargo was distributed by the captors, in their own way, and the vessel, it is believed, burnt.

No. 2. Brig Sally, Stephen Chase, master; Seth Howard, owner; bound for the United States; vessel and cargo estimated at $,4000. Insured by the Newport Insurance Company, $2,700.

Circumstances of capture, &c.—The captain, in his protest, declares that, after being detained by an embargo at Falmouth, in Jamaica, he sailed from thence for Montego bay, on the 28th of April, 1805; that he had been out about four hours, when he was captured by a felucca, within a mile of the shore. The captain of the felucca informed Captain Chase he was a good prize, and that he had orders to capture all American vessels on the coast of Jamaica. The Sally was taken to Cape Coure, in the island of Cuba; no condemnation or form of trial was had, and Captain Chase, and three out of six of his men, after being stripped of their clothes were ordered to take to their boat. They did so, and fortunately arrived at Montego bay on the 29th of the same month.

No. 3. Schooner American Lady, Enoch Toby, master; owned by Bowen and Ennis, of Newport, merchants, and others, cargo rum, &c., bound from Jamaica to the United States; value of vessel and cargo $4,000, insured by the Newport Insurance Company, $2,950.

Circumstances of capture, &c.—This vessel sailed on the 16th February, 1805, from Morant bay, south side of Jamaica, bound for Camden, State of North Carolina. On the 20th of the same month, being about five leagues distant from the Isle of Pines, she was brought to by a small privateer under French colors, mounting one swivel gun, and manned by about fifteen men, principally Spaniards. The vessel was taken possession of, carried to the Isle of Pines, the captain and men plundered and abused, and left on shore at this desert island without any means of subsistence except a dozen of biscuits and a bottle of rum. They would have perished there had it not been for the compassion of a Spaniard, the only inhabitant of the island. The captain and crew remained at this place until another French privateer arrived there, when they were taken, at the request of Captain Toby, near Savannah La Mar, on the south side of Cuba, from whence they travelled to the Havana. The captain noted his protest with the American Consul, who attended him to the Governor. Captain Toby explained to the Governor the ill-treatment he had encountered; demanded a restoration of his vessel, which was now within the Governor's jurisdiction, and the release of Moses Henly, a free black, one of his crew, who had left a wife and family in the United States, and who was in the greatest distress, as the captors were determined to sell him a slave for life. The Governor made little or no reply to Captain Toby's remonstrances or petitions. After waiting some time, finding himself unable to obtain redress, he was compelled to abandon the property and return to the United States.

No. 4. Schooner Ann and Harriet, William Shearman, master, vessel and cargo valued at $10,000; vessel owned by Robert Rogers and Robert Stevens, and the cargo by John Mein, all of Newport, merchants, bound from the United States to Jamaica; $5,000 was insured by the Newport Insurance Company.

Circumstances of capture, &c.—This vessel was captured on the 8th of May last, by a French privateer, off Cape Maire, in the Island of Cuba, and was ordered for St. Jago de Cuba, but upon being chased by the English ship of war Diana, she was run on shore by the prizemaster. After considerable exertions, and throwing overboard a great part of her cargo, she was got off by the English recaptors, and taken by them to Kingston, Jamaica, where the vessel and remainder of her cargo were sold under the process of the Court of Vice Admiralty there. The salvage of one-eighth, which was awarded the recaptors, the destruction of part of the cargo, and the disadvantages under which the residue was sold, render this little less than a total loss.

These are the principal losses sustained by this company, arising from the piratical depredations of privateers in the West Indies.

In all these cases abandonments have been made to, and the sums insured paid by, this company.

Under the second head of loss, the following important cases have occurred:

No. 1. The brig Rowena, Robinson Potter, master, voyage from Newport to Antwerp; vessel and cargo valued at $26,735, owned by Christopher Grant Champlin, Esq., for himself, in his own right, and as administrator of Christopher Champlin, Esq., deceased; sum insured by the Newport Insurance Company, $15,000.

Circumstances of capture, grounds of condemnation, &c.—The owners of the Rowena had imported in her from Martinique a cargo of sugar and coffee. This cargo was legally landed, and the duties payable to the United States secured. The owners, finding no advantageous domestic market for their coffee and sugar, made general inquiries into the state of the European market. They began to contemplate generally an exportation; but whether that exportation would be to Copenhagen, Amsterdam, or Antwerp, or whether it was to be totally abandoned, was a matter in deliberation, and to be determined by the result of their inquiries. After a delay of some weeks it was ultimately decided to send the sugar and coffee to Antwerp. For this purpose a new voyage was concerted, a new crew hired, and a quantity of staves, the growth of our country, (and so expressly and minutely certified by the brig's papers,) was added to the original cargo. On the 6th of May last, the Rowena sailed from Newport, and on the 16th of June was captured off Ostend, by His Britannic Majesty's hired armed cutter the

Griffin, commanded by Lieutenant Forbes. The alleged pretence of capture was a suspicion that the Rowena intended to violate the blockade of Ostend.

This pretence, however, totally unsupported by facts or by appearances, was speedily abandoned, and the sole question at the trial, in the Court of Admiralty, was, whether the voyage was to be treated upon the footing, of one continued voyage from Martinique to Antwerp, *i. e.* from the colony of the enemy to the mother country. The judge, Sir William Scott, without entering into any discussion of the above question, or detailing at all the particular facts of this case, referred to his decision, in a case immediately preceding, viz: the Enoch, Doane, master, and declared, as he did not see sufficient reasons to distinguish this from the case of the Enoch, it must meet the same fate. The case of the Enoch is, without doubt, in the possession of Government, and, although, therefore, comment is unnecessary, and may be even deemed improper, yet we cannot forbear to remark, that the case of the Enoch is distinguishable from that of the Rowena in a very important particular. The Enoch, as Sir William Scott states, was under a charter party before she quitted Boston, to perform the voyage she did perform. Admitting a moment for the purposes of argument, (what can never be admitted in fact, without the prostration of neutral rights, and the destruction of the commerce of the country,) that the newly announced principle of Great Britain is one deducible from the law of nations, and that its application was correct in the case of the Enoch, it by no means follows that its application was likewise correct in the case of the Rowena. There was no charter party in the latter case; there was nothing indicating a primary and preconceived intention, viz: at the outset to go to Europe with the cargo procured in the West Indies. There existed nothing of which the case was first to be cleared, for the claimants to be entitled to the benefit of the rules of evidence, as laid down by the British courts. There was nothing, to speak in the language of those courts, to shift the burden of proof. But, waiving any observations on a difference so obvious, it does seem somewhat extraordinary, that the sentence in the case of the Rowena should have been, in reality, one of more severity than the sentence in the preceding case—in that, the property put on board at Boston was favorably considered, and restored. In the case of the Rowena, staves of the growth of the United States, and put on board at Newport, were not restored, but included in the undistinguishing clause of condemnation, which, in its style of absurd formality, pronounces the ship and cargo to have belonged, at the time of the capture and seizure thereof to the enemies of the Crown of Great Britain, and as such, or otherwise, liable to confiscation.

Besides the total loss, the company have paid $556, their proportion of $876, being the law costs attending the claim.

No. 2. Ship Hope, Robert Robinson, master; owners, George Champlin, Esquire, Christopher Grant Champlin, Esq., as administrator of Christopher Champlin, Esq., and the master; voyage from Newport to Amsterdam; value of ship an cargo, $108,631. Insured by the Newport Insurance Company, $15,000.

Circumstances of the case, capture, &c.—Th voyage in which this ship was engaged, previou to the one in which she was captured, was fro Newport to Batavia. She sailed from Newpor in February, 1804, and arrived at Batavia in th following May. Owing to the scarcity of produce, and the number of ships endeavoring t procure it, after selling a small quantity of iron which made a part of her cargo, the captain proceeded with his ship and specie to Manilla; h there purchased a cargo of sugar and indigo, an sailed about the 20th of November, 1804, for Newport, where he arrived on the 12th of May, 1805 The cargo was landed and delivered, and the importation duties secured to be paid. After a laps of about six weeks, the owners, not finding a sufficiently favorable market at home, concluded o a new voyage to Amsterdam, for the purpose o re-exporting their sugar and indigo, the ship was consequently, partially repaired, a new crew hired and the sugar and indigo taken from warehouse and re-shipped. This ship sailed from Amsterdam on the 30th June, and was captured by Hi Britannic Majesty's hired armed cutter Swan Lieutenant Cameron, and brought into Yarmouth, where, in consequence of the recess o the Admiralty Court, she was detained until th 12th of September, 1805, when, upon trial, th ship and cargo were restored, but without costs o damages. The condemnation was pressed, on th part of the captors, on the ground of its being cargo taken in at an enemy's colony, and afte touching at America, having been brought on t the enemy's country in Europe, without breakin the continuity of the voyage by any act done And in respect of this question, the judge declared there was no evidence that the continuit of the voyage was interrupted. The cargo of th Hope was purchased in Manilla, in time of profound peace between England and Spain. Th ship sailed from Manilla three weeks before th declaration of war, by Spain, against Great Britain, which took place the 14th December, 1804 and about seven weeks before reprisals, on th part of Great Britain. Yet, still it was urged b the captors that the cargo was purchased in contemplation of war, and the judge agreed that, i that had been proved, it would have operated exactly the same in effect as if actual hostilities ha taken place; but, he said, as no proof appeared and the fact being that war did not commence ti after the vessel sailed, he thought it unlikely tha Americans would speculate upon the subject But, supposing, says he, that it was an importation from Manilla to Amsterdam, at this period, i would have been an importation perfectly lega and all transactions in America may be laid ou of the question; yet, for being engaged in a voyage perfectly legal, after having that voyage ruined by an illegal capture, the owners of the Hop were denied indemnity for damages sustained and compelled to pay costs, expenses, and law charges, to the amount of two hundred and sixty pounds sterling, about forty pounds of which were exactions for light-money, and Ramsgate and Dover harbor dues.

Such is the statement which this company, at the present juncture, has to make to the Government of the United States. The various protests, decrees, and other documentary evidence, confirmatory of this statement, shall be forwarded, when deemed necessary by the Government.

The Newport Insurance Company have a hope and confidence, that the General Government, whose right it is to regulate, would feel it their duty to protect commerce; that means will be found, in the wisdom and energy of Government, to procure *speedy compensation* to the sufferers, and redress to the nation for its *violated* rights and dignity.

With sentiments of high respect, I remain, on behalf of said company, your obedient servant.

SAMUEL ELAM, *President.*

IN SENATE OF THE U. STATES,
February 5, 1806.

The committee to whom was referred, on the 15th of January last, that part of the President's message which relates to the spoliation of our commerce on the high seas, and informs us of the new principles assumed by the British Courts of Admiralty, as a pretext for the condemnation of our vessels in their prize courts, respectfully report, for the consideration of the Senate, the following resolutions:

1. *Resolved*, That the capture and condemnation, under the orders of the British Government, and adjudication of their Courts of Admiralty, of American vessels and their cargoes, on the pretext of their being employed in a trade with the enemies of great Britain, prohibited in time of peace, is an unprovoked aggression upon the property of the citizens of these United States, a violation of their neutral rights, and an encroachment upon their national independence.

2. *Resolved*, That the President of the United States be requested to demand and insist upon the restoration of the property of their citizens, captured and condemned on the pretext of its being employed in a trade with the enemies of Great Britain, prohibited in time of peace, and upon the indemnification of such American citizens, for their losses and damages sustained by these captures and condemnations, and to enter into such arrangements with the British Government, on this and all other differences subsisting between the two nations, (and particularly respecting the impressment of American seamen,) as may be consistent with the honor and interests of the United States, and manifest their earnest desire to obtain for themselves and their citizens, by amicable negotiation, that justice to which they are entitled.

3. *Resolved*, That it is expedient to prohibit by law the importation into the United States of any of the following goods, wares, or merchandise, being the growth, produce, or manufactures of the united Kingdoms of Great Britain and Ireland, or the dependencies thereof, that is to say, woollens, linens, hats, nails, looking-glasses, rum, hardware, slate, salt, coal, boots, shoes, ribands, silks and plated and glass-wares. The said prohibition to commence from the —— day of ——, unless previously thereto equitable arrangements shall be made between the two Governments on the differences subsisting between them, and to continue until such arrangements shall be agreed upon and settled.

BOSTON MEMORIAL.

To the President of the United States, and the Senate and House of Representatives of the United States of America, in Congress assembled:

The subscribers, a committee of the merchants of the town of Boston, duly empowered for the purpose, respectfully ask leave to address Government on a subject highly interesting to the commerce and prosperity of the United States, and involving in its results a great pecuniary property, acquired, as they believe, by honest exertions in the prosecution of an open, fair, and authorized trade.

While your memorialists have witnessed, with mingled feelings of indignation towards the perpetrators, and of commiseration for their unfortunate countrymen, the insults and barbarities which the commerce of these States has sustained from the cruisers of France and Spain, it is their object, in the present memorial, to confine their animadversions to the more alarming (because more numerous and extensive) detentions and condemnations of American vessels by Great Britain, and to advert to the principles recently avowed and adopted by her courts relative to neutral trade in articles of colonial produce—principles which, if admitted, or practised upon in all the latitude which may fairly be inferred to be intended, would be structive of the navigation, and radically impair the most lucrative commerce of our country.

The law of nations, like all other laws not formed by express compact, must, to give it an obligatory force, be founded on the rule of right, and be construed to exist only from open declaration, or from a tacit acquiescence, under its operation, by the parties interested in it. It is a law which can never be considered as absolutely permanent; for, being established by common consent, for the general good, it can only be supported so long as it produces the effect intended. And so various are the changes in the political world, from the relative situation of States at different epochs, and from the growth of new empires, that it may very possibly happen, that what promoted the public welfare at one time, (and therefrom became part of the law of nations,) might, at another period, tend only to the aggrandizement of an individual nation, at the expense, and to the depression and injury, of many other nations. In such case, it is but reasonable to expect that old principles, even if they had been once expressly admitted, would become obsolete, or be newly modified, and made to conform to a state of nations widely different from that in which they originated. At any rate, your memorialists presume it can never be justly contended that principles of maritime law have been admitted by a nation during whose existence they had never been avowed nor acted upon, merely because such nation did not anticipate and combat pretensions which it never imagined would be seriously advocated — principles that had been virtually abandoned subsequently to their first avowal, even during an intermediate and inveterate war, and during the prosecution of a trade which is now interdicted and alleged to be illegal, but which trade was at that time sanctioned by the promulgated decisions of her courts, and by an official communication from one of the highest organs of the very Government which is now attempting to destroy it; and, with its suppression, to annihilate or greatly diminish the commerce of neutral nations.

From the decree of the Lords of Appeal, in the case of the Essex, (Orne,) from the judgment of Sir William Scott; in several other cases since that decree, in direct contravention of his former decisions; from the multiplied arrestations and detentions of American vessels, of which every arrival furnishes a more extended list, there is great cause to apprehend that the British Government mean to set up as principle, that she has a right to interdict all commerce by neutrals to the ports of her enemies, which ports had not been opened previously to the commencement of hostilities; that if she permits a trade with them, in any degree, she has a right to prescribe the limits of it—to investigate the intention of the parties prosecuting it; and if such intention be not the actual disposition of the property in the neutral country, to consider the merchandise, even after the importation into such country, after having been landed therein, warehoused, and the duties paid on it, as only in the stage of a continued and direct voyage from the colony to the mother country, or *vice versa*, and therefore illegal, and liable to condemnation.

Speculating upon the apparent avowal of these principles, the vice admiralty judges of Great Britain, the officers of her ships of war and cruisers, seem to consider them as the signal for harassing and arresting neutral commerce, and vigilantly acting in conformity with these impressions. We find, that scarcely an American vessel can pass the Bahamas, the Straits of Gibraltar, or the English channel, without being seized, in some cases condemned, and in others released, either without damages, or with the conviction that the demand for compensation would be attended with greater expense than would be defrayed by a successful pursuit of it.

In some instances your memorialists find new vessels, on their first passage from the United States to Europe, arrested, carried out of their course, and injuriously detained, under the vexatious pretence of a continuity of voyage from the country or colony of a belligerent.

In another instance they have witnessed a vessel captured and condemned under the most frivolous pretext, when in the prosecution of an acknowledged and permitted trade, under circumstances which banished every shadow of doubt as to the real destination of the vessel, the identity of the owners, or the actual intentions of the parties.

Your memorialists allude to the case of the Indus, Myrick, which vessel was owned by gentlemen of this town, not engaged in commission business, possessing very abundant capital to undertake large and distant enterprises, and the fairness of whose intentions or conduct has never been questioned or suspected.

The Indus proceeded from Boston to Batavia, there purchased a cargo, and on the return therewith to Boston, was dismasted, and after suffering severely from the elements, obliged to put into the Mauritius; on her arrival there, the ship was found too much injured to prosecute the voyage, was condemned as not seaworthy, and sold. The captain, not being able satisfactorily to dispose at the Isle of France of that part of the cargo which remained, after defraying the expenses, purchased another vessel, gave her the same name, put on board the residue of his original cargo, and completed his loading with freight belonging to citizens of this town. With this remnant, saved from his misfortunes, he proceeded on the voyage, and had nearly reached the mouth of our harbor when his vessel was captured by a British cruiser, and carried into Halifax, and there by the Vice Admiralty Court condemned, because among the papers was found a memorandum, reminding the captain after his arrival within the harbor of Boston, to insert in the manifest to be delivered at the custom-house, that the ship was bound "for Boston and Embden"—a provision merely intended to operate in case of the restoration of peace before the return of the vessel, and which, as the laws of the United States were, when she departed from Boston, was needful to enable her to proceed to Europe without unloading the cargo, or the payment of duties; and which provision, the captain must have been well convinced, was rendered wholly nugatory with the second ship, because when he left the United States he knew that if any part of the cargo were entered, the whole must be landed; and having taken freight which he was obliged to deliver here, there no longer remained an election respecting the termination of the voyage, and that it must of necessity be concluded at Boston.

The precautionary memorandum to insert in the manifest, after the arrival of the vessel in our harbor, the words "Boston and Embden," was practised at the time for the same purpose by many of our most correct and intelligent merchants, and is no evidence of an intention to avail of the permission which it gave to proceed to Europe. In the case of the Indus, the owners have disavowed, most formally, under the existing political state of Europe, any intention of continuing the voyage; and this asseveration is corroborated by the strongest collateral evidence it is possible to adduce; the same orders having been given in previous enterprises, in none of which had the permission been availed of; but in every case in which they were interested, the cargoes had been actually landed and sold in the United States, notwithstanding a similar declaration in the manifests.

In another case, your memorialists learn, that a vessel (the Aurora, Hall,) belonging to Portsmouth, New Hampshire, after having carried out a cargo of innocent merchandise, the property of natives and merchants of this town, to the neutral port of Leghorn, ordered from thence with specie to Calcutta, and from thence to return with a cargo to this place, has been arrested in the progress of the voyage, carried into Gibraltar, and may probably be condemned, because her outward cargo consisted of colonial produce, and because the captain was permitted by his orders to stop at the Isle of France on his voyage to Calcutta, and to avail himself of the state of the markets there, should they be favorable to procure a return cargo for Boston, thus embarrassing a trade which, whether prosecuted to the one place or the other, has by all parties been considered as open, and extending the taint of a cargo of colonial produce further than by most nations is attached to a loading of articles wholly contraband of war, for it is admitted by them, even in that case, that the offence is deposited with the cargo, and ceases on its delivery.

Your memorialists will not proceed to fatigue the attention of Government, by citing cases, which they presume, so soon as regular documents can be obtained, will be transmitted in precise statements to the Department of State. These few instances they have thought it needful to notice, in order to demonstrate, that unless the present disposition of the British Admiralty Courts and navy officers, can be counteracted and removed, a widely dispersed and unprotected commerce, extending to every region of the globe, will only serve to invite depredation, to bankrupt ourselves, and enrich others, until such commerce be swept from the face of the ocean, and leave nothing in its stead, but sentiments of hostility and acts of contention.

Without entering into elaborate disquisitions, your memorialists request permission to make a few remarks on what they conceive to be the principles assumed by Great Britain.

1st. It is contended by Great Britain that she has the right to interdict entirely a trade by neutrals to the ports of her enemies, such ports not having been open to them in time of peace, and that having the right to interdict this trade altogether, she has, *a fortiori*, the right to modify it as she pleases; and of consequence, if an enemy nation should remain in a state of war for half a century, any alteration of her colonial system, which, very probably the progress of events might have produced in time of peace, shall not be permitted to her, even should there have taken place during that time a total and acknowledged revolution of her Government, and an abolition of all her ancient systems.

2d. That having allowed a direct trade between the colonies of her enemies and neutral countries, she has a right to say, that such trade shall cease and determine in the neutral state, and that to prevent its further progress, she has the right to examine in all cases to whom property on the ocean belongs; to trace the evidence of a continuity of trade; to investigate the latent intentions of neutral merchants; to discriminate between importers and exporters, and then to accord to one part of a community what she denies to another part.

A tacit submission to pretensions thus lofty and comprehensive, but which your memorialists trust are most of them untenable, would, they conceive, be an abandonment of rights openly recognised, and a dereliction of the most important commercial interests of our country.

Reason and the most powerful considerations of equity enjoin it as a duty on the United States to oppose these pretensions; for, circumstanced as these States are, possessing an immensely extended and fertile territory, producing mostly the necessaries of life, which, with the merchandise obtained from abroad by the industry and enterprise of her citizens, she is obliged to barter, or furnish in payment for importations of foreign produce or manufactures—it behooves her, strenuously to contend for the rights of an open commerce in innocent articles between other nations that are willing to accord it and herself; for if the right be not both claimed and admitted, scarcely any of the European Powers can in future be engaged in warfare, without making the United States, in opposition both to her efforts and wishes, either a victim or party in the contest. For it is well known that the trade of this country with nearly all the colonies of European Powers is carried on by occasional permission, and by partial relaxations of the prohibitory system; and if the British contend that the port of Batavia shall not be opened to neutrals in time of war, because it has ordinarily been closed against them in periods of peace; that the temporary permission to trade there was extorted merely by the pressure of the maritime superiority of Great Britain, and that to relieve this pressure, by the purchase of Javanese produce, was counteracting the effect of her arms, and giving aid to her enemies in the war, it might with equal force, by parity of reasoning, be contended by France, or any other nation at war with Great Britain, that the limited permission given to the United States to trade at Jamaica in articles of the first necessity, was evidently granted with reluctance, and was extorted by the power of their arms on the continent of Europe; that to oppose and counterbalance these Great Britain was necessitated to victual and man immense fleets, and to organize and support numerous armies; that to provision these fleets, and provide for these armies, consumed all the produce of her country; that not having any articles of subsistence to spare, she must therefore either abandon her colonies to famine, or reduce or distress her armaments by diverting from them part of the supplies destined to their support, and that for the citizens of the United States to step in, and avail of even a six weeks' permission to supply her colonies, and thus prevent their falling an easy prey into the arms of France from the pressure of their own necessities, and actually giving aid, and comfort, and existence to the enemy of France, was in effect making a common cause with her, and of course rendered the vessels of the United States, when captured in the prosecution of such trade, lawful prizes to the cruisers of France.

Thus your memorialists conceive these pretensions afford constant sources of collision, continually tending to involve these States in the issue of European wars, and would oblige the Government on the occurrence of such wars speedily to unite with one or other of the parties, in order that the commerce of the country might lawfully avail itself of some degree of security, from the protection which its own force and that of its allies could afford. To this state of things your memorialists believe it can neither be the interest nor the wish of the British Government to reduce our country.

The right of internal commercial regulation in articles of an innoxious nature, is one of the essential and inherent rights of every independent sovereignty, and with the exception of a trade to blockaded ports, or in articles contraband of war, every Government has a right to sell the surplus articles of its manufactures and produce to neutral merchants, who on their part, so long as they confine themselves to a fair and honorable course of dealing—purchasing exclusively for their own account, and refusing to cover the property of a belligerent, are entitled to the protection of their own, and the respect of other Governments; for the most tenacious advocates for the rights of belligerents admit that, during war, neutrals have a right to enjoy in the utmost latitude the trade to which they had been accustomed in time of peace. Now, if a belligerent has the right to blockade an extended seacoast, and exclude neutrals from perhaps fifty different ports, (as was the case with the French ports in the Channel during the last war,) how can the neutral enjoy his usual peace-trade in its greatest latitude, unless this deprivation is balanced by another trade which is opened to him during the war?

As to the inquisitorial right of search into the ownership of neutral property set up by Great Britain, and the doctrine appended to it, that a neutral importer shall not again export his goods, but that they shall be first alienated and passed into the possession of others, your memorialists believe them to be unsound in principle, offensive in practice, and nugatory in effect; for the importation of merchandise into a neutral country, landing it, payment of duties on it, and exposing it for sale, as fully domesticates such merchandise, and makes it as much a part of the marketable stock of the country as the corn which is raised in the fields, or the beef that is fatted on its mountains; and thenceforward, it becomes as much the right of one citizen as another to export or appropriate it as he chooses; and the attempt by another Government subsequently to discriminate, and to deprive a neutral merchant of the right to purchase a cargo for exportation, because possibly he owned a fiftieth part of it on importation, can only excite irritation, invite collusion, lead to fictitious sales, and eventually would diminish in a very small, if in any degree, shipments of foreign produce.

This doctrine is probably more injurious in its operation to the United States than to any other country. Second to no nation on earth in enterprise, her citizens are yet inferior to those of many other countries in capital; hence arises the necessity of numerous associations in the prosecution of distant enterprises; and to exclude all the original associates from the rights of any subsequent trade in articles derived from adventures in which they had been concerned to perhaps a very small amount, and which adventures, after their arrival in the United States, are as much terminated, so far as respects the continuity of association, as if the property had been sunk in the ocean; and thus to throw advantages into the laps of their neighbors, from the participation of which they are interdicted, is manifestly arbitrary and unjust.

Your memorialists would with reluctance believe that the sacred tribunals of justice have become subservient to motives of political expediency, more especially in a nation whose judicial proceedings have frequently deserved, and commanded the respect of all civilized countries; yet they know not, easily, how to reconcile on any other ground the contradictory proceedings of the British Admiralty Courts during the last and present war.

In February, 1800, there came on for final adjudication before the High Court of Admiralty, in Great Britain, the case of the Polly, Laskey. This was a vessel bound from Marblehead to Bilboa, captured and carried into England, because she had on board 249 boxes of Havana sugars, and 80 hogsheads Caraccas cocoa, the produce of Spanish colonies, and was brought to trial principally under the pretence that, as she was carrying those articles to a port of Spain, the trade was in effect a direct one between the colony and the mother country, and therefore illegal, and subjecting the property to condemnation. The Polly was owned by a merchant of Marblehead, who in his attestation declared, that he had been in habits of trading both with Old Spain and with the Havana. In evidence on the trial it appeared, that the Polly on a previous voyage had been to Bilboa, that she took from thence bills of exchange on the Havana, that with these bills she in part paid for the identical sugars which were found on board of her at the time of capture; that for the residue of the purchase, bills were drawn from the Havana on the house in Bilboa, who did the business of the vessel on her former voyage; and by the certificate of the collector of the customs at Marblehead it appeared that the sugar had been imported from the Havana on board the Polly in June, and exported by her to Bilboa in August; the intermediate time being employed in repairing the vessel, and preparing her for the voyage. It also appeared by the deposition of the mate that the captain had destroyed some of his papers.

A case more pertinent to the question at issue, or more strongly marked, could scarcely be imagined by the strongest powers of invention.

For the captors, there appeared the King's advocate, (undoubtedly one of the ablest jurists in the nation,) and Mr. Arnold. In delivering its judgment, the court asked, whether it were contended, that an American could not purchase articles of this nature, and import them *bona fide* to America on his own account, and afterwards export them? It was answered no. The court then stated, that an American has undoubtedly a right to import the produce of the Spanish colonies for his own use, and after it is imported *bona fide* into his own country, he would be at liberty to carry them on to the general commerce of Europe. The vessel and cargo were restored to the neutral claimants.*

In 1801, in consequence of a decree of the Vice Admiralty Court at Nassau, condemning the cargo of an American vessel going from the United States to a port in the Spanish colonies, with a cargo consisting of articles the growth of Old Spain, our highly respectable and able Minister at the Court of London, immediately addressed Lord Hawkesbury, His Majesty's Secretary for Foreign Affairs, and remonstrated in a respectful, but firm and dignified manner against this infringement and violation of the rights of neutrals. The remonstrance met that prompt attention from the British Government which its merits demanded. The subject was referred to the consideration of the Advocate General, who reported: That the sentence of the Vice Admiralty Court at Nassau was founded in error; that it was now (1801) distinctly understood, and had been repeatedly so decided by the High Court of Appeals, that the produce of the colonies of the enemy may be imported by a neutral into his own country, and may be re-exported from thence even to the mother country of such colony, and in like manner, the produce and manufactures of the mother country may in this circuitous route legally find their way to the colonies; that a direct trade had not been recognised as legal, and the decision of what was, or was not, a direct trade, was a question of some difficulty, but that the High Court of Admiralty had expressly decided, and the Advocate General saw no reason to expect the Court of Appeals would vary the rule, that landing the goods, and paying the duties in the neutral country, breaks the continuity of the voyage, and is such an importation as legalizes the trade, although the goods be reshipped in the same vessel, and on account of the same neutral proprietors, and forwarded for sale to the mother country.

The report of the Advocate General was accepted by the British Government, immediately transmitted by Lord Hawkesbury to Mr. King, and by His Majesty's express command, communicated by the Duke of Portland, the principal Secretary of State, to the lords commissioners of the admiralty, with the information that it was His Majesty's pleasure, that the doctrine laid down in the Advocate General's report should be immediately made known to the several judges of the vice admiralty courts, setting forth to them what is held to be law upon the subject, by the superior tribunals, for their future guidance and direction.†

Thus are obtained so recently as within five years, the deliberate opinions on the subject under discussion, of the most eminent English civilians, and of the High Court of Admiralty, corroborated (if one of the first law officers of the Crown may be credited,) by the repeated decisions of the Court of Appeals, which by its late and contradictory decree, in the case of the Essex, Orne, has caused so disastrous an arrestation and condemnation of American property.

Judgments thus perspicuously stated and enforced, by the highest authority, it was fair to consider as intended for a beacon, to direct to the channel, through which neutral commerce might be prosecuted with security. It is hoped the event will prove they were not a mere ignis fatuus to ensnare the innocent and unsuspicious.

At any rate, whether the doctrine were sound or not, or whether it injured Great Britain or not, it cannot become the integrity and magnanimity of a great and powerful nation, at once, and without notice, to reverse her rule of conduct towards other States and to prey upon the unprotected property of a friendly Power, the extension of whose commerce had been invited by the formal avowal of her intentions, and prosecuted under a reliance on her good faith, and from the confidence reposed, that her courts, uniform in their principles, would never be influenced by the time-serving politics of the moment.

But whatever may have been the motives for the proceedings on the part of Great Britain, the effect is notorious. From her recent conduct great losses have been sustained, our commerce has been checked and embarrassed, and large quantities of produce are now remaining locked up in this country, which were purchased for foreign markets, because our merchants cannot send it abroad, without taking risks on themselves, which prudence would not justify, or without paying such rates for insurance as the trade of the country cannot afford.

Thus circumstanced, the merchants of Boston have thought it their duty respectfully to make known their complaints to the Government. Believing the citizens of the United States desirous of cultivating relations of amity with the whole human race, and particularly connected as they are with Great Britain by habits of constant intercourse and by mutual wants, they cannot but hope that like dispositions are entertained by the British nation towards this country; and if measures were speedily taken for the amicable discussion by negotiation of our complaints, that a sense of her own interest, and respect for the rights of others, would induce her to depart from her present measures, and to conduct towards us with justice and liberality.

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* Robs. Reps.

† Duke of Portland's letter to Mr. King.

Under this persuasion, and without meaning in the smallest degree to derogate from the talents and attention of the American Minister at the Court of London, the subscribers, with deference and humility, beg leave to suggest, whether, when so important national interests are at stake, a special mission would not carry with it great influence, and be very instrumental in the accomplishment of our reasonable wishes.

In all events, fully relying that the subject of our difference with Great Britain will receive the due consideration of Government, and that such measures will in consequence be promptly adopted, as will tend to disembarrass our commerce, assert our rights, and support the dignity of the United States:

Your memorialists have the honor to remain, in behalf of their constituents and themselves, most respecfully.

JAMES LLOYD, Jr.
JOHN COFFIN JONES,
DAVID GREENE,
GEORGE CABOT,
ARNOLD WELLS,
THOMAS H. PERKINS,
DAVID SEARS.

Atttest: Isaac Winslow, *Secretary.*
Boston, January 20, 1806.

SALEM MEMORIAL.

To the honorable the Senate and House of Representatives of the United States, the memorial of citizens of Salem respectfully represents:

That, on ordinary occasions, they have deemed it unnecessary to apply for the redress of grievances to the Government of their country, confiding in the rectitude and wisdom of its councils; and, though their confidence, in this respect, is undiminished, yet, as questions of national moment are now agitated, and aggressions committed on our commerce in a manner unprecedented, they deem it their duty to approach the constituted authorities, and express their sentiments with fidelity and deliberation.

It has been a source of the purest satisfaction to your memorialists, that, while foreign nations have been engaged in wars, which, in their nature and consequences, have transcended the limits of human foresight, the United States have, under the benign care of Providence, been preserved in the enjoyment of peace and liberty. They have beheld with pleasure our commerce, at first feeble and confined, gradually expanding with awakened enterprise, until it has reached the farthest shores, and embraced the most inhospitable climes. This commerce, prosecuted with increasing vigor, and fostered by new aids, has continually brought to our ports the wealth of all nations, and by opening a liberal intercourse, added fresh zeal to foreign industry and domestic labor.

Your memorialists, considering war an evil which could not be confined in its consequences to belligerents, even when prosecuted with good faith and amicable intentions towards neutrals, and believing it the sound policy of the United States to avoid every entanglement in it, as injurious to internal improvement and external interests, have witnessed with unhesitating approbation the disposition to neutrality patronized by the General Government, at times when national wrongs have been pressed with peculiar aggravations, and seemed to point to summary redress. Firmness and moderation have happily secured all the advantages of successful war, and the sober appeal of reason carried conviction to foreign nations. From considerations of a similar nature your memorialists have submitted to the injuries of belligerents during the late European war, and awaited with confidence the decisions of tribunals instituted to adjust national rights, and afford a fair though tardy redress to grievances. To these tribunals, elevated in the presence of the world, as the learned and impartial courts of nations, they hoped that all parties might appeal for justice and receive a righteous award. In some instances they were disappointed; in others they realized their expectations. And even when they could not admit the correctness of decisions, principles were expounded and rules prescribed, which might serve as pole stars for future direction.

Your memorialists, however, have witnessed with deep regret and deep anxiety, that to some of these tribunals they can no longer appeal for safety. New interpretations of old rules, and new glosses on ancient doctrines, have been arrayed to control the circuit of neutral commerce, and restrain if not annihilate its most beneficial operations. Their surprise has been greater, because the nation who has adopted them, is one from whom we had a right to expect the most conciliatory conduct, since with her ultimately centre the proceeds of our commerce, and from her we purchase the greatest portion of her staple manufactures. The interests of Great Britain and the United States seem, in this respect, mutual. We consume the products of her industry, and give her in return, besides large sums of money, raw materials, by which she may levy new contributions. Similarity of manners and habits, of education and language have added artificial inducements for intercourse, and gained for her among us a respect, not slightly to be viewed or inconsiderately forfeited. On all occasions the United States have exhibited toward her an amicable interest, and a just, it may be added, a generous policy. If, therefore, we had favors to ask or to receive, our claims have been peculiarly strong upon her, because we have been emphatically the sinews of her opulence. But it is believed that the United States never asked of any nation more than justice, and are willing to be bound by the established rules of commerce. Your memorialists, therefore, express deep regret, because a confidence has been shaken which may not easily be restored, and deep anxiety, because the principles alluded to, if conceded, must eventually prostrate our trade, or leave it at the arbitrary discretion of belligerents. Whether peace or war prevail, the baneful influence will everywhere be felt, and in the latter predicament, we shall, as neutrals, share the mischiefs of it, without the chances of benefit.

With these impressions, your memorialists respectfully submit some observations on the nature and importance of the principle avowed by the British Admiralty. On the present occasion they would avoid the discussion of contested points respecting the freedom of commerce, on which civilians have entertained different opinions. They would avoid the question, how far even a direct trade, carried on by neutrals between the colonies and mother country, with *bona fide* neutral property, is protected by the law of nations, though it may justly be a ground of national investigation. They are willing to avoid these extrinsic though important subjects, and meet the principle of the English courts upon the laws and usages sanctioned by the practice of nations.

The principle recently established by Great Britain, is, as your memorialists understand it, that it is not competent for a neutral to carry on in war any trade, which he is not accustomed to do in peace; and that he shall not be permitted to effect that in a circuitous, which is inhibited in a direct trade. As corollaries from this principle, she insists that the colonial trade, exercised by neutrals, shall not extend beyond the accustomed peace establishment; and that whenever the neutral imports into his own country colonial produce, with the intention to tranship it to the mother country, if a direct intercourse be interdicted in peace, the circuity of the route shall not protect the property from confiscation. It seems admitted, that such circuitous route, with such intention, is not considered as evidence of enemy's property, confiscable within ordinary rules, but as a distinct, substantial, condemnatory principle, independent both in efficacy and application. For it yields not to the most clear proof of neutral property, or innocent though misdirected conduct. The unaccustomed trade, or the importation with specific intention are the tests by which every voyage is to be tried.

If these doctrines form a part of the law of nations, however mischievous they may be in operation, the United States must submit to them, until relaxed by particular convention. Though our commerce should be oppressed, and our enterprise crushed, yet are we bound to acquiesce, if the sanction of universal practice require it.

Your memorialists, however, beg leave, before they consider the law of nations in this particular, to advert to a few of the consequences resulting from this rule, and, if they do not greatly mistake, from thence will arise a strong argument of its inadmissibility.

In the first place, great evils must, in the nature of things, result from the indefiniteness of what is the accustomed trade. Nations are continually changing their policy, their imports and exports, their manufactures, their staples, and their commercial connexions. In peace, as well as in war, peculiar circumstances induce them to open or close a traffic, and these circumstances arise as often from accidental caprice as political wisdom. Beside these, the silent operations of time, by destroying old sources of revenue, and developing new wants, and, in a more important view, by erecting the grandeur of one State on the destruction of another, with secret fatality changes the channels of commerce, and forbids it to flow in an uniform course. It seems conceded on all sides, that the rule shall not apply to every case, and that those changes, which seem not the result of a necessity imposed by an enemy, are exempted from its operation. But, how shall these limits be defined? Every nation varies its policy in this respect in time of war; and even Great Britain relaxes her navigation act to meet the ordinary exigencies of it. On such occasions she admits neutrals to import into her dominions articles not the growth of their own country. She admits foreigners into her mercantile as well as military marine. She opens her colonies to importations strictly forbidden in peace, and allowed with jealous caution, even under the pressure of war. To changes of this nature, if they do not arise out of the predominance of the enemy's force, or out of any necessity resulting therefrom, her own civilians avow the rule of accustomed trade shall not extend. According to them, it is not every convenience or even every necessity arising out of the state of war, but that necessity which arises out of the impossibility of otherwise providing against the urgency of the distress inflicted by the hand of a superior enemy, that can be admitted to produce such an effect. But, in what manner shall this impossibility be determined? How shall we distinguish between the ordinary and the extraordinary necessities of war—between those evils inflicted by a superior force, and those resulting from general embarrassment? How shall we distinguish which is the predominant Power, when one may be conqueror at one point, and conquered at another—one all-powerful by sea, another all-powerful by land? How shall we provide for or foresee the changes of the day, when time with unmeasured rapidity retrieves losses in the hour of defeat, and destroys a Power in the hour of victory? In the opinion of your memorialists, there is but one test of such predominancy, and that within the old law of nations. It is, when the belligerent is able to blockade the ports of his enemy, and then his right to exclude neutrals is coextensive with this ability to blockade. If any other test be resorted to, if the unlimited ingenuity of Admiralty discretion be exercised in the application or denial of the rule, the right of neutrals will change with the policy of an Administration, and rise and fall with the pressure of hostilities, and the security of depredation. Surely no principle of the law of nations can be bottomed on so fluctuating a basis. It would reverse the nature of all law, which is fixed and determinate, and substitute a discretion little less injurious than despotism.

In another view, the rule appears to your memorialists not less untenable and unjust. It is stated as a part of it, that if colonial produce be imported by any person, with an intention to tranship it on his own account to the mother country, it is subject to confiscation; but if imported for the purpose of general commerce, and thrown into the market for general transhipment, it is within the exception. To distinguish between general and particular intentions, and to separate things so subtle in their own natures, and almost incapable of proof, for the purposes of national decisions, seems a refinement reserved for the present age. In the nature of things, it can hardly be possible to determine the intention of a merchant in importation. These may be formed and fixed at one moment, and abandoned from change of circumstances at another. The situations of foreign markets, the plenty or deficiency of supply at home, the nature of his funds, the success of his incipient voyage, and numerous other accidents, must continually change the destination of importations and divert them into various channels. In no case, therefore, can there arise an indisputable presumption, that a merchant imports with a determination to export. Indeed, as his intention must frequently be ambulatory, the presumption lies as strongly the other way. And even if, in a few instances, that intention could be ascertained, thousands of cases must arise, in which it would be impossible to form a criterion for judgment. All must be doubt, caprice, or speculative construction.

These objections lie in the embarrassment attending the exercise of the rule respecting intentions. But a more serious one may be urged against it, grounded upon its inefficacy, as it respects both the neutral and the belligerent. As it respects the neutral, if the rule is once known, transfers of property will immediately be made. There will be an impossibility of preventing frauds in these transfers, if they deserve the name, by any tests applicable to them, unless restrictions are imposed or evidence required, which no authorities could procure, and no independent nation ought to submit to. As it respects the belligerent, the same produce after sale would according to his own principles be admissible to the ports of his enemy; and in that way the same assistance be supplied, and the same embarassments be prevented. The importer will communicate a title to his vendee, which he does not himself possess, and clothe his agent with an authority, which he cannot exercise at his own hands. The rule therefore would require the mere formality of a sale, but would effect none of the consequences, which it professes to value; and its foundation would be shaken by the extent of its exceptions. Considered in this view, your memorialists cannot but suppose, that no such modification will ultimately prevail; but by degrees the restriction will be absolute against all neutral carriage of colonial produce to the mother country under every variety of intention. In any other way it might be nugatory, and with this unmeasured influence it must be ruinous.

The foundation of this modern doctrine is laid in this principle, that the neutral has no right by an extension of this trade, to afford supplies to the belligerent, because by such trade he assists the belligerent to ward off the blows of his enemy, and oppose for a longer period the dominion of his force. But to this your memorialists deem it a conclusive answer, that this proposition proves too much; that if true, it is a foundation for a far more broad and sweeping principle; that every commerce with the belligerent is inhibited to neutrals, for every commerce assists him in resistance, and diminishes his necessities. A doctrine thus comprehensive has never yet been avowed, and it is presumed never will be. Yet such must be the logical conclusion; and it shows irresistibly the absurdity of the assumed premises. The accustomed as well as unaccustomed trade, is within the terms, and must stand or fall together. Either the doctrine is unsound, and assumed as a mere pretext for predatory seizures, or neutrals have no right as such, and must endure the calamities inflicted by belligerents in a contest, in which they have no voice, and from which they can reap only injury.

Other considerations add force to the preceding remarks. It is well known that in time of war neutrals cannot carry on even their accustomed trade in its full extent. They are prohibited from trading in contraband goods, and to blockaded ports. Variations necesarily arise in the relations of the hostile Powers, which the neutral ought to possess a right to turn to his profit, as an indemnity for the obstructions of his old trade. These obstructions are of a very serious nature. When exercised in the mildest form they produce oppressive searches and delays, expensive litigation, and often total failure of an otherwise lucrative voyage. Reason would therefore seem to declare, that for hazards of this nature the benefits arising to neutrals from war are not more than a just equivalent. But if the obstructions be enforced, and no new channels permitted, it seems hardly too much to say, that they must lead to an extinction of all neutral commerce. If one belligerent adopt the rule, another has the same right; and regulations of colonial monopoly would then serve as false laws only to ensnare and betray neutral navigation. It is somewhat singular, that a belligerent should invite a trade with itself, which it declares fraudulent with its enemy; and should lift the arm of power to crush the neutral, whose conduct is criminal only when it ceases to be partial.

Such are the remarks your memorialists respectfully submit upon the rule considered in itself; on this examination they confess it appears to them fundamentally incorrect. It subjects commerce to fluctuating decisions, overthrows the ordinary rules of evidence, and places an immense power to be wielded at the uncontrollable discretion of magistrates appointed by a single party. It wants therefore all the discriminative features of a fundamental proposition of the law of nations, uniformity, precision, and general applicability. It would, in their opinion, if established, create greater evils than it professes to redress, by perpetuating strife, destroying the emoluments of trade, embarrassing commercial intercourse, and letting loose the passions to prey on the miseries and plunder the property of the innocent. It would subject neutrals to hazards nearly as perilous as those of actual hostilities; and, independent of its influence in stimulating to revenge and retaliation, it would transfer the benefits of peace to any victorious usurper of the ocean.

But your memorialists are unwilling to rest the question on the preceding grounds, however supported by reason. They appeal to higher considerations, and deny that the rule is, or ever has made, a part of public law, or acquired by usage or prescription, any authority among nations. They admit that uninterrupted and general usage, fortified by open acquiescence, forms a strong argument, perhaps a conclusive proof of the adoption of any rule. That if such usage had existed in the present case, and had been invariably pursued, the presumption would have been violent, that the doctrine was just, and ought not now to be shaken. But your memorialists have in vain sought in ancient jurists, universally consulted and approved, any principle that bears in its bosom the present. On the contrary, every page appears to give a direct contradiction. They adhere to the ancient interpretation of the law of nations, which pronounces that the goods of an enemy are lawful prize, and those of a friend free; that the neutral, except in cases of blockade and contraband, has a right to the uninterrupted pursuit of his commerce, when carried on with his own property, at all events in a direct trade from his own country. Such your memorialists deem to have been the incontestable rights of neutrals, established for more than two centuries by universal acknowledgement, and acted upon, while a flourishing intercourse subsisted among all maritime nations. During the same period, Great Britain, France, Spain, Portugal and Holland, possessed extensive colonies, and engaged in commercial enterprises with an uncommon spirit of rivalry. Had therefore any such rule, as is now claimed, existed, innumerable cases must have occurred in the controversies of these nations to legitimate its introduction and authorize its application. Yet no instance has been adduced in diplomatic or admiralty annals, which savours of a reference to such a rule. The approved publicists, to whom in national contests appeals are made, intimate none, and lay down the law in as broad and satisfactory terms, as your memorialists.

Your memorialists are aware that even the advocates of Great Britain have not pretended to ascertain the existence of the pretended rule previous to the year 1756. To this period they refer for its first establishment, and from this origin deduce its universal reception. They pretend not to quote any foreign adjudications in point, but rest satisfied, that their own courts were competent to establish the law, and to give it binding efficacy over all nations. To such conclusions your memorialists confess themselves unable to bow. They conceive that it is not within the authority of any nation to legislate for the rest; and that the law of nations being founded on the tacit convention of the nations that observe it, can be binding only on those nations which have adopted it. Any other conclusion would lead to the most mischievous consequences, and oblige every nation to vindicate every other from aggressions, though its own rights might be undisputed. To give any precedent therefore a binding authority among nations, it must have been recognised as such by them, and no argument of its admission can be drawn from their silence, when the subject did not necessarily engage their immediate interest. An injurious pretension, when not applied to a particular State, might be easily dismissed without consideration. But your memorialists, after all the inquiry which they have been able to make, confess themselves wholly ignorant of any precedent of the present rule in the year 1756. The cases of that period, which are relied on as proof, seem to them wholly inadequate for the purpose. As far as their researches extend, those cases respected the Dutch, and proceeded on a principle entirely different. These were cases in which Dutch vessels became the carriers of colonial produce, the property of the enemies of Great Britain. This trade was vindicated on the ground of a special treaty between Great Britain and Holland, which provided that free ships should make free goods, and it was ultimately declared illegal, because enemy's goods were protected by that treaty only in the accustomed trade. No controversy appears to have been raised of the security of neutral property under similar circumstances. Nor should it be forgotten that the Dutch protested in terms of the warmest reprobation against these condemnations, and asserted them to be contrary to the general law as well as the faith of treaties. These cases seem therefore certainly to fail in analogy with those which they are cited to govern. In the one the property is neutral; in the other, hostile; in the one, the trade is for the sole benefit of the neutral; in the other, for the sole benefit of the belligerent. In a word, the one respects the rights of peaceful nations according to the public law; the other, the construction of particular treaties. The precedent seems therefore to want every essential similitude; and is traverseable in every variety of application.

Yet, admitting the precedent to be in point, if it stand solitary, if it has subsequently slumbered during nearly fifty years, unacknowledged abroad and unenforced at home, it surely cannot weigh on the present occasion. It is conceded by the British civilians, that during the American Revolution the doctrine was entirely pretermitted, and the commerce of neutrals was pursued according to the ancient code. Many cases of this period might be cited from the Admiralty records, which overthrow the rule, and expressly vindicate the opposite. If precedents are to decide, the judgments of a tribunal established in Great Britain, under her sole appointment, and acting with open powers, must surely, when acquiescence creates the law, complete the renunciation of the contested rule. It is in vain to resort to conjectures or ingenious subtleties to fritter away authorities; the faith of the nation has been pledged by its tribunals, and it is too late now to travel out of the record. Place the whole argument of precedent in its strongest light, and it will appear that, in the year 1756, the doctrine was first assumed, and in the year 1801 was first executed.

So far, however, from being recognised, this pretended rule of the year 1756 was pointedly denied at the moment of its introduction by the power affected by it; and on its late resuscitation, has met the determined reprobation of the United States. Our Minister at the Court of London, on the development of it in the year 1801, remonstrated against it in a spirited memorial. Indeed Russia, France, Sweden, Denmark, Prussia, Portugal, and Austria, in the celebrated league of armed neutrality in the year 1780 expressly declared, and Great Britain was then compelled to admit, as the law of nations, that all neutrals may freely navigate, from port to port, and on the coasts of the nations at war. Contraband articles and blockaded ports were the only admitted exceptions. This solemn protest of Europe, after an elaborate discussion, in which all neutral nations assisted, is singly opposed by the instructions of Great Britain, and is to be outweighed by an obscure and resisted precedent. Nay more, the united voice of the marine world and the practice of ages, must yield to the interested decisions of a single State, and change with the varying policy of its Cabinet. There is indeed no difficulty in referring principles to former times, when it suits the public convenience; and, as the argument of ancient usage is of deep concern in national pretensions, it is too often a cover for unjustifiable spoliations.

With these preliminaries, your memorialists feel confidence in asserting that goods not contraband, fairly purchased by the neutral, are free to the market of every country, and protected from seizure, except in cases of blockade. Guided by these principles, they perceive a plain and honorable path for commerce. Beyond them, all is involved in uncertainty.

It is not the least singularity attending the conduct of the present war, that Great Britain has licensed her subjects in a trade, which she declares fraudulent in others; that she admits them unmolested to supply her enemy with means of resistance, when she declares confiscation as the penalty of neutral succor. Were the rule ever so just in itself, it certainly demands relaxation when the belligerent partakes the profits and connives at the breach. If its foundation be the unlawfulness of affording assistance to a distressed enemy, surely it ought not to be enforced, when that assistance is an unauthorized object of speculation with the distressing belligerent.

Your memorialists heartily concur with their fellow-citizens in repelling with indignation the imputation of fraud attached by Great Britain to our colonial commerce. They conceive it a fair, lawful, and honorable traffic, cherished by the resources of our own country, independent of all foreign succor. Fraud may occasionally contaminate the transactions of all nations; but no one who has estimated the extent of our resources, or the respectability of our merchants, could for a moment believe them subservient to the fraudulent purposes of any nations. It is our pride to believe that the American merchants, with very few exceptions, are as distinguished for good faith as any on earth. The imputation thrown on them is a masked pretence to repel the odium of vexatious injuries, and to excuse violations of law, which cannot be justified.

Your memorialists are sorry that other instances of hostile conduct have been manifested by Great Britain, less direct in their nature, but not less derogatory from our sovereignty than those above enumerated. The impressment of our seamen, notwithstanding clear proofs of citizenship, the violation of our jurisdiction by captures at the mouths of our harbors, and insulting treatment of our ships on the ocean, are subjects worthy of the serious consideration of our national councils, and will, we have no doubt, receive an early, prompt, and decisive attention.

Complaints also of a serious nature have arisen against other nations from the conduct of piratical depredators, and the lawless plunderings of privateers on our coasts. From whatever authority these evils proceed, whether from the secret connivance of foreign Powers, or the baneful machinations of individuals, we trust that our national honor will not long be unsupported by a national force.

These are the considerations which your memorialists beg leave to submit to the wisdom of the General Government. Though they have not suffered very greatly in their individual interests, they feel deeply impressed with the opinion, that the case is national, and the feelings should be the same. They cherish the hope that a sense of mutual interest and good faith will successfully terminate the present embarrassments. They wish for peace, for honorable peace. They ask for no measure but what justice approves and reason enforces. They claim merely to pursue a fair commerce with its ordinary privileges, and to support the independence of their country by the acquisitions of lawful industry. They wish to take no part in the contests which now convulse the world, but, acting with impartiality towards all nations, to reap the fruits of a just neutrality. If, however, conciliation cannot effect the purpose of justice, and an appeal to arms be the last and necessary protection of honor, they feel no disposition to decline the common danger, or shrink from the common contribution.

Relying on the wisdom and firmness of the General Government in this behalf, they feel no hesitation to pledge their lives and properties in support of the measures which may be adopted to vindicate the public rights, and redress the public wrongs. And as in duty bound will ever pray.

Signed in behalf of said inhabitants, by their authority.

JOHN HATHORNE,
JOSEPH SPRAGUE,
JONA. MASON,
B. CROWNINSHIELD, Sr.
JOSEPH WHITE, Jr.
JOSEPH STORY.

Salem, *February*, 1806.

NEW HAVEN MEMORIAL.

To the President of the United States, and the Senate and House of Representatives of the United States in Congress assembled; the memorial of the Chamber of Commerce in New Haven, respectfully represents:

That your memorialists have observed with no common degree of surprise and solicitude, the numerous embarrassments which the commerce of the United States has suffered, during the present war in Europe and the Indies, arising from the adoption of new principles by the Admiralty Courts of Great Britain, as well as from the depredations committed on our unprotected trade by lawless freebooters, and the unwarrantable impressment of our seamen. Your memorialists will not attempt to discuss at large the principle which they understand has been adopted by the Admiralty Courts of Great Britain, in recent decisions respecting the rights of neutral nations; it is sufficient for them to observe that, in their opinion, the principle assumed by Great Britain, of considering all the trade of a neutral nation as unlawful, which the same nation cannot carry on in time of peace, to be new and unwarrantable; a principle not authorized by the maxims of sound justice, which have long been received and respected by nations, as laws by which their mutual intercourse ought to be regulated.

Among independent nations, there are certain equal rights, founded on common principles of justice, from which proceed their reciprocal duties. These rights and duties have been long since ascertained by the mutual consent or express stipulations of civilized nations. They constitute the political morality of Kingdoms and States; the basis of the code of laws, which the commercial nations of Europe have long held themselves bound to respect, to which we cheerfully submit; and which we conceive, no nation can infringe without doing injustice to the whole family of mankind. So long as the council of nations and their courts of justice observe these laws, mutual confidence between nations can be obtained, and the rights of individuals preserved. But your memorialists cannot behold, without surprise and regret, a powerful and respectable nation, bending these principles of the common law of nations, to answer the political purposes, and introducing a versatile policy into the solemn adjudications of her courts. We hold it to be extremely important that all nations should combine against such innovations upon their rights; and in particular, that the United States, whose geographical position gives them the best chance for maintaining neutrality during wars in Europe, should firmly resist every encroachment upon the rights of neutral commerce.

In regard to the impressment of American seamen, your memorialists feel, in common with their fellow citizens, a lively indignation at the abuses of power often exercised by British officers upon American citizens. We have full confidence that the Government of the United States will adopt and pursue such measures for restraining these injurious proceedings, as the honor and interest of the United States shall require.

The depredations upon our defenceless commerce on the high seas, and even at the very entrance of our harbors, impress your memorialists with a lively sense of our national degradation, and of the urgent necessity for vigorous, effectual, and permanent measures for protecting the property of private citizens, and securing our country from the repetition of similar insults. Whatever system of policy a chimerical theory may suggest, we are persuaded that the question whether the United States shall have an active or passive commerce, is not now to be determined. Our citizens have already formed commercial habits which are too firmly established to yield to a different policy; and an active commerce is so directly connected with the agricultural interest, which it serves to cherish and encourage, that we apprehend the farmer, as well as the merchant, is deeply interested in the protection of trade. Nor can we hesitate to express our decided opinion, that, as a general proposition, the commerce of our country will amply reimburse the necessary expenses of protection. The situation of our country and its true policy forbid that a great navy should be maintained for the purposes of carrying on maritime war, or for settling and defending distant colonies; but we conceive that a number of ships sufficient effectually to protect our harbors, our seacoasts, and great commercial towns, and secure the honor of the American flag, on the waters adjacent to our own territories, will furnish not only the safest, but cheapest bulwark of defence. We highly applaud the policy that seeks to preserve peace; but even peace may be purchased at too high a price; and the history of all nations evinces that a State is never secure of peace, which has not at command the means of annoying an enemy, and repelling aggressions; and that an over timid policy, serves only to invite insults and generate a necessity for resorting to arms, which a state of preparation for war, and a bold attitude, would have preserved.

With these impressions of the necessity of measures for defending our commercial rights, which shall be firm, but temperate and bold, yet marked with a spirit of conciliation, your memorialists cordially unite with their fellow-citizens of other commercial towns, in expressing their sentiments freely to the Legislative and Executive authorities of their country; with assurances of their disposition to give aid and support to every measure of Government, calculated to accomplish this important object.

Signed, per order,

HENRY DAGGETT, *Pres't.*

NEW HAVEN, *Feb. 7th*, 1806.

NORFOLK AND PORTSMOUTH MEMORIAL.

[Presented to the House, February 20, 1806.]

At a meeting of the citizens of Norfolk and Portsmouth, assembled in consequence of the crisis to which the differences between this country and Great Britain have advanced, L. WHEELER, Esq., was called to the chair, and Arthur Lee appointed secretary.

Resolved, unanimously, That a committee be appointed to draught resolutions expressive of the sentiments of our citizens in relation to Great Britain; and that this committee consist of William Wirt, Littleton W. Tazewell, Robert B. Taylor, Moses Myers, William Pennock, Theodoric Armistead, and John Granbery.

The committee, after a short retirement, reported the following resolutions, which were read, and unanimously agreed to:

1. *Resolved*, as the opinion of this meeting, That the law of nations, founded on the eternal principles of equal and reciprocal justice, and on the consent of nations, cannot be abrogated or altered at the mere will and pleasure of any one nation.

2. *Resolved*, as the opinion of this meeting, That Great Britain, in the selection and adoption of her maritime regulations, appears to make but a single inquiry, and that is, whether those regulations be conducive to her own interests; totally regardless whether they incroach, or not, on the rights of other nations, equally sovereign and independent with herself.

3. *Resolved*, as the opinion of this meeting, That the interest of Great Britain, and the law of nations, are not convertible terms; and that a measure, although highly expedient for her, although calculated to produce the effect of a general blockade on the nation with which she is at war, although tending to constrain to her own ports the commerce of neutrals, and to give her a monopoly of the commerce of the world, may, nevertheless, be a direct and palpable breach of national law, and an invasion of the rights, the independence, and sovereignty of other nations.

4. *Resolved*, as the opinion of this meeting, That of this description is that principle generated in the British Cabinet, which imposes a new restraint on the commerce of neutrals, which closes against them the ports of a belligerent, although such ports be avowedly free from blockade, although the neutral vessels contain no articles of contraband, and although the nation to which such ports belong, open them and invite the commerce of neutrals.

5. *Resolved*, That Great Britain, by impressing our citizens into her service, and compelling them to fight her battles, and to contribute to the capture and plunder of their own countrymen; by her various abuses of the laws of blockade; by the new principle which she hath prescribed as a part of the law of nations, and by which she effectually blockades the whole of every nation with which she is at war; by all these restraints and oppressions, imposed and practised by her on the liberty of our citizens, the freedom of our commerce, and the sovereignty of our nation, has given evidences of a hostile temper towards the United States, so strong, that, in the opinion of this meeting, it is expedient for our Government to adopt such measures as to their wisdom may seem best calculated to assert and maintain our rights, and to redress the injuries we have sustained.

6. *Resolved*, That we have an unshaken confidence in the wisdom and firmness of our national councils; and that we will, with our lives and fortunes, support whatever measures they may take to maintain the honor and independence of our nation inviolate.

7. *Resolved*, That the chairman be instructed to transmit the foregoing resolutions to Thomas Newton, Esq., our Representative in Congress, to be by him laid before that body.

LUKE WHEELER, *Chairman.*
Attest: ARTHUR LEE, *Secretary.*
NORFOLK, *Feb.* 12, 1806.

PETERSBURG MEMORIAL.

[Presented to the House, February, 13, 1806.]

At a meeting of the citizens of the town of Petersburg, at the town court-house, the 8th of February, 1806, convened agreeably to public notice given by the Mayor, to take into view the propriety of addressing the President and Congress on the present momentous situation of our national concerns, and to proffer the support of our blood and fortune in preserving our public honor and security, WILLIAM PRENTIS, the Mayor, was called to the chair, and John Dickson appointed secretary.

The following resolutions were severally proposed, and unanimously agreed to:

Resolved, That the citizens of the town of Petersburg, on reviewing the relations of the United States with foreign nations, are impressed with the certain, though melancholy truth, that their country has received from some of the belligerent Powers of Europe, the grossest insults and injuries; insults and injuries which it behooves the Government to redress, whatever hazards, difficulties, and dangers it may be necessary to incur, in order to obtain reparation.

Resolved, That as to the choice of means whereby national honor is to be vindicated, and national justice enforced, the citizens of the town of Petersburg repose the highest confidence in the wisdom of the General Government, that it will select such as best combine the advantages of being the least expensive and the most efficacious; the least burdensome, and the most energetic; peaceful, as far as possible; warlike, as far as necessary.

Resolved, That whatever burdens it may be necessary to impose; whatever force it may be necessary to employ in the prosecution of a just national redress; the citizens of Petersburg will cheerfully contribute their quota of the one, and bear their proportion of the other; and much as they deprecate war, as being unfriendly to the interest of their growing country, yet they will joyfully, at the call of Government, gird on the swords of their forefathers, or, like them, renounce the luxuries of Europe; preferring every evil to that of national disgrace; every deprivation to that of national honor.

And as, in moments of danger and difficulty like the present, it behooves every good citizen of the Republic, not only to deliver his opinion of public affairs, but to evince his zeal in support of measures of national redress and retribution,

Resolved, therefore, That the chairman and secretary of this meeting be directed to sign the foregoing resolutions in the name of this meeting, and to transmit them to the President and Congress of the United States.

WILLIAM PRENTIS, *Chairman.*
JOHN DICKSON, *Secretary.*

SPAIN.

[Communicated to Congress, March 20, 1806.]

To the Senate and House of
Representatives of the United States:

It was reasonably expected that, while the limits between the territories of the United States and of Spain were unsettled, neither party would have innovated on the existing state of their respective positions. Some time since, however, we learned that the Spanish authorities were advancing into the disputed country to occupy new posts and make new settlements. Unwilling to take any measure which might preclude a peaceable accommodation of differences, the officers of the United States were ordered to confine themselves within the country on this side of the Sabine river, which, by delivery of its principal post, Natchitoches, was understood to have been itself delivered up by Spain; and, at the same time, to permit no adverse post to be taken, nor armed men to remain within it. In consequence of these orders, the commanding officer at Natchitoches, learning that a party of Spanish troops had crossed the Sabine river, and were posting themselves on this side the Adies, sent a detachment of his force to require them to withdraw to the other side of the Sabine, which they accordingly did.

I have thought it proper to communicate to Congress the letters detailing this incident, that they may fully understand the state of things in that quarter, and be enabled to make such provision for its security as, in their wisdom, they shall deem sufficient.

TH. JEFFERSON.

MARCH 19, 1806.

Extract of a letter from Major Porter to the Secretary of War, dated

NATCHITOCHES, *February* 8, 1806.

SIR: Your letter of the 20th November was received on the 24th ultimo, and the request therein mentioned was, without loss of time, forwarded to the commandant at Nacogdoches, from whom I received, on the 4th instant, an answer, in which he refused to give the assurance required.

Deeming this reply decisive, I immediately detached Captain Turner, with sixty men, to remove a party of Spaniards that had, a few days before, passed and taken post on this side of the Adies, and to patrol the country between this post and the river Sabine; the former he easily accomplished, and is now performing the latter.

The report of preparations, making by our Spanish neighbors, for war, are various, but generally agree that considerable numbers of troops are progressing from the interior to the eastward: that near three hundred of them were, a few weeks since, at the great crossing of the Trinity, where there were two hundred beeves, five hundred horses, and a considerable magazine of flour: that they have ten guns now mounting at Nacogdoches, where most of them have been lately received; and that, immediately after Lieutenant Piatt, the bearer of my letter to the commandant of Nacogdoches, left that place on his return, a Spanish officer was despatched to Bayou aux Pierre to impress on the minds of the inhabitants of that settlement the allegiance that they owed to His Catholic Majesty; ordered them to join his standard whenever required; and informed them that the Red river would be the boundary line between the Spanish country and the United States.

NATCHITOCHES, *February* 1, 1806.

SIR: You are immediately to proceed with the detachment now under your command to the neighborhood of Adies, where, if you should fall in with a stationary party of armed Spaniards, you will command them, or any other armed party of foreigners which you may discover, to withdraw beyond the Sabine river. In case of their refusing to comply, you are to treat them agreeably to the orders of the Secretary of War, (a certified extract of which accompanies these instructions,) as far as relates to the pursuit, capture, and detention, of invaders or aggressors, and avoiding the spilling of blood, but when these orders cannot otherwise be executed. You are to patrol, if practicable, the country between this and Sabine. Be on your guard against surprise, and communicate to me, by express, from time to time, any occurence worty of note.

M. PORTER,
Major Artillerists, Commanding.

Capt. EDWARD TURNER.

ADIES, *February* 6, 1806.

SIR: After a tedious march we arrived in front of the Spanish post yesterday morning about half past eleven o'clock; found the Dons in some confusion, in consequence of their patrol having discovered us an hour before, (owing to our pilot bringing us in sight of the road.) I took a position which would have carried their camp, if there had been ten times their number, which was twenty. They saddled, mounted, and formed. At the Bayou le Glese, their patrol or picket halted our vanguard, and demanded why we were violating or invading His Majesty's territory. I requested him to withdraw with his guard inside his camp, where I would presently be, and inform his officer of my business. He implicitly obeyed. Upon my arrival at my position, I sent for Mr.

Duforest to tell the officer I wished a conference. Mr. Duforest was informed, in consequence of some information the corporal of the advanced guard had given, the officer had gone down the road to meet me. I waited some time his return, but not seeing him, I suspected he had purposely put him out of the way to gain time. I, therefore, after sending another message to the camp, formed my men, and marched through the thicket within forty yards, where I halted, and told the non-commissioned officer commanding that I should wait fifteen minutes for his officer, provided he made no movements in the interim. The officer soon after appeared, when I delivered him my commands. He readily agreed to abandon his position, but he said he could go no further than a creek, San Jose. After a good deal of altercation, he consented to move to the other side of the Sabine, and I gave him three hours to prepare to march. He begged I would not insist on his crossing the Sabine within five days, alleging that, in the miserable condition of his horses, it would be impossible without losing them, and requested that he might be allowed to look up some that were missing. I replied that, after reaching the other side of the Sabine, he might send in two or three of his men without arms to hunt them; and that he must get them as soon as possible. He replied he would, but it would necessarily take him four or five days. This morning I commenced my march for La Nan, and fell in with him in three miles. I signifying my surprise at his being no further, he made the old excuse of the impossibility of his horses to travel faster; and observed that he had been detained in trying to find some of his horses, two of which he had got, and four were yet missing. Not thinking it proper to rely exactly on his word, after again falling in with him, I made him subscribe to the enclosed terms, (which I hope may meet your approbation,) and shall follow his footsteps till my provisions are out.

Respectfully yours, &c.

E. D. TURNER.

Major MOSES PORTER.

AT THE ADIES, *Feb'ry* 6, 1806.

I, Joseph Maria Gonzalez, ensign, commandant of His Most Catholic Majesty's troops on this side of the river Sabinas, hereby have agreed with Captain Edward D. Turner, captain in the United States army, to return all said troops of His Catholic Majesty to the other side of the said river Sabinas, as soon as my horses will permit it, or in five days, or at furthest six, and to take my march this day; and I also oblige myself not to send any patroles on this side of the river Sabinas.

J. M. GONZALEZ, *Ensign.*

Witness: JOHN D. DUFOREST.

[Communicated December 2, 1806, with the Annual Message at the commencement of the session.]

NATCHITOCHES, *Aug.* 5, 1806.

SIR: It has been reported to me, for several days past, that a large body of the troops of the King of Spain had assembled near the Sabine, and were about to cross that river, and I am just informed that this body has crossed the said river, and taken post within the territory of the United States; it has therefore become my duty to address you on this subject, to demand an explicit avowal of the object of this movement, to insist on this body of troops being immediately withdrawn, and to warn you of the consequences which may result from its continuance within the territory of the United States.

It is well known that the Government of the United States and the King of Spain are at this moment negotiating on the subject of the boundaries of Louisiana, and there cannot be a doubt but an amicable adjustment of existing differences will soon take place.

The reinforcements which have lately reached this post are only intended as a security to the territory actually surrendered to us, and which we consider as extending to the Sabine. There is no disposition on the part of the United States to commit hostilities on the troops or possessions of Spain; but we cannot suffer aggressions on our territory, and should you persist in making them, you will be justly chargeable with the consequences which such conduct is calculated to produce. I have only to add, that, if you should think proper to remove the Spanish troops to the west side of the Sabine, and continue them there, no attempt will be made, on the part of the United States, to interrupt that friendship and harmony which ought to subsist between neighboring nations. But if you should attempt to continue these troops within the Territory of the United States after this explicit and friendly warning, it will be my duty to consider you as an invader of our territory and to act accordingly.

This letter will be handed to you by Major Moses Porter, of the artillerists of the United States, who will wait a reasonable time for your reply; which, if convenient, I hope may be accompanied by an English or French translation, to enable me to ascertain its contents with greater certainty. The Major will be attended by one non-commissioned officer, and one private soldier, of the Army of the United States.

I avail myself of this opportunity of tendering my best wishes for your health, happiness and honor, and am, sir, with respectful consideration, your obedient servant,

T. H. CUSHING, *Colonel, &c.*

To Colonel HERRERA, &c.

PLANTATION OF MR. PRUDHOMME,
August 6, 1806.

SIR: With all possible respect I answer your Excellency's letter which was delivered to me, at this place, by Moses Porter, Major of Artillery of the United States.

It is true that I have crossed the Sabine river with a detachment of troops belonging to the King, with orders from the Captain General (by whom I am governed) to keep this territory from all hostile attempts, as belonging, from time immemorial, to the King, and which is a dependence of the province of Texas. The inhabitants still acknowledge obedience to our Government, notwithstanding the violence committed on a small detachment of our troops by those of the United States.

From this moment I hold myself responsible to the real letter of the orders that govern me, which are, by no pretext whatsoever, to interrupt or break the good intelligence which subsists between His Majesty and the United States; but I cannot permit, without violating my duty, any usurpation upon the land he possesses. If your Excellency makes any infringement, you, alone, will be answerable to the two Courts, and may interrupt the amicable convention, perhaps, now on foot, but of which I have no knowledge.

I did not send a translation of this in French or English, not having any person capable of translating, with purity, a thing of so serious a nature.

I felicitate myself of this opportunity in offering my best services.

Your very humble servant,

SIMON DE HERRERA.

Señor Don Thomas Cushing.

Natchitoches, *August* 26, 1806.

Sir: On my arrival at this post, I learned, with certainty, that a considerable Spanish force had crossed the Sabine and advanced within the territory claimed by the United States. It was hoped, sir, that, pending the negotiations between our respective Governments for an amicable adjustment of the limits of Louisiana, no additional settlements would be formed, or new military positions assumed, by either Power, within the disputed territory; a policy which a conciliatory disposition would have suggested, and justice sanctioned; but, since a contrary conduct has been observed on the part of certain officers of His Catholic Majesty, they alone will be answerable for the consequences which may ensue.

The above proceeding, sir, is not the only evidence of an unfriendly disposition which certain officers of Spain have afforded. I have to complain of the outrage lately committed by a detachment of Spanish troops, acting under your instructions, towards Mr. Freeman and his party, who were ascending the Red river under the orders of the President of the United States. Mr. Freeman and his associates were navigating waters which pass through the territory ceded by France to the United States; they were navigating a river on which the French had formerly made settlements far beyond the place where they were arrested; a fact of great notoriety, and in support of which the testimony of several citizens, residing at and near the post of Natchitoches, can be adduced.

But, nevertheless, Mr. Freeman and his party were assailed by a battalion of Spanish troops, and commanded to return: a proceeding the more exceptionable, since the objects of Mr. Freeman were merely scientific, having in view nothing hostile to Spain; objects which were long since communicated by me to His Excellency the Marquis of Casa Calvo, and which, through him, I presume, must have been made known to the Governor General of the province of Texas.

This detachment of Spanish troops, whose movements, I learn, are directed by your Excellency, did, on their march, commit another outrage towards the United States, and of which it is my duty to ask an explanation. In the Caddo nation of Indians the flag of the United States was displayed, and commanded from the chief and warriors all the respectful veneration to which it is entitled; but your troops are stated to have cut down the staff on which the pavilion waved, and to have menaced the peace and safety of the Caddos should they continue their respect for the American Government, or their friendly intercourse with the citizens of the United States.

I experienced the more difficulty in accounting for this transaction, since it cannot be unknown to your Excellency, that while Louisiana appertained to France, that the Caddo Indians were under the protection of the French Government, and that a French garrison was actually established in one of their villages: hence, it follows, sir, that the cession of Louisiana to the United States, "with the same extent which it had when France possessed it," is sufficient authority for the display of the American flag in the Caddo village, and that the disrespect which that flag has experienced, subjects your Excellency to a serious responsibility.

I am unwilling to render this communication unnecessarily lengthy, but I must complain of another outrage, which has been committed under the eyes of your Excellency. Three citizens of the United States, of the names of Shaw, Irvine, and Brewster, were seized by Spanish soldiers, within twelve miles of Natchitoches, and have been sent prisoners to Nacogdoches. I cannot suppose that this proceeding is unknown to your Excellency, and I should be wanting in duty did I not avail myself of the present occasion to demand information as to the cause of their arrest and detention. There is still another subject on which I must address your Excellency. It is reported to me, that several slaves, the property of citizens of the United States, have lately escaped from the service of their masters, and sought and found an asylum at Nacogdoches. I have seen the correspondence between your Excellency and Judge Turner upon this subject, and I learn your determination to await the orders of the Governor General of the province of Texas. I will forbear, therefore, for the present, to press their immediate delivery to the orders of their masters; but I must urge your Excellency to discourage, for the future, the escape of slaves from this to your territory, and I request that such as may repair to the bounds of your command may be forthwith returned. Your Excellency will readily perceive the cause of my solicitude on this subject. If fugitive slaves are to receive the protection of the Spanish authorities, the property of the citizens of this Territory is indeed insecure, and a good understanding between our two Governments ought not, and cannot, be preserved. During the last year, I had a correspondence with his Excellency the Marquis of Casa Calvo, (who was then at New Orleans,) relative to some negroes who had escaped to Nacogdoches; and, in consequence of the interference of the Marquis, I am led to believe that they were restored. I was officially informed by the Marquis, that his conduct on the occasion was approved by His Catholic Majesty, and I consequently concluded that the mischief was at an end. It cannot, I presume, be unknown to the officers of His Catholic Majesty, that Ministers from the United States have repaired to Spain for the avowed purpose of amicably adjusting the existing differences. I should greatly regret, therefore, if any occurrences in this quarter should prevent that amicable arrangement which the interest of each nation would advise. But if the officers of Spain should persist in their acts of aggression, your Excellency will readily anticipate the consequences, and if the sword must be drawn, let those be responsible whose unfriendly conduct has rendered it indispensable.

Colonel Henry Hopkins, the Adjutant General of the militia of this territory, will have the honor to deliver to your Excellency this communication, and to await your answer.

I tender to your Excellency the assurances of my great respect and high consideration.

WILLIAM C. C. CLAIBORNE.

His Excellency Governor HERRERA.

SPANISH CAMP, *Aug.* 28, 1806.

SIR: The troops of the King my master, which I have the honor to command on this side of the Sabine, have no other object than to maintain good harmony between the United States and His Majesty, and to preserve inviolate the territory which belongs to him.

Major Freeman was navigating the Red river, on that part of the territory which never belonged to the province of Louisiana, now appertaining to the United States; for which reason he was notified by the commandant of the troops to retrograde as far back as the country that did belong to them. I agree with your Excellency, that all the territory which His Catholic Majesty ceded to France belongs to the United States, but the Caddo Indians are not on that land, but at a great distance from it, and live now on the territory of Spain. For which reason it was notified to them, that if they chose to live under the Government of the United States, they must go to the territory under their jurisdiction; but if they desired to remain where they were it was required of them to take down the American flag. They consented not to abandon their village; but being more tardy than was conceived they might have been in pulling down the flag, they (the Spaniards) were obliged to do it by force.

The reason why I detained the three citizens of the United States, was because they were found twice, and on different days, observing our positions and movements; and three several times that I questioned them, I observed they did not agree as to the motives of their visiting the place; but, finally, one of them told me they wished to establish themselves under the Government of the King at St. Antoine, which determined me to send them to the Governor of the province with an escort, as well on account of the distance of the road, as for having rendered themselves suspected persons. The detention of the runaway negroes of Louisiana at Nacogdoches, is an affair in suspense before the Captain General of this province, who likewise will have knowledge of the motives why those were sent back whom your Excellency cited. And for the better security of the matter, I shall send your letter which I received by Colonel Hopkins, and who likewise will be the bearer of this.

The troops of the King, neither from disposition nor character, will ever co-operate directly or indirectly in encouraging the emigrating of negro slaves. For my part, I assure your Excellency that those I command will commit no hostility which can frustrate the negotiations now pending between our Courts; but if I am provoked to it I shall endeavor to preserve the honor of my troops, and to fulfil the obligations with which I am invested; a duty which my character and that of my subalterns demands.

I avail myself of this opportunity to offer your Excellency my respect and consideration.

SIMON M. HERRERA.

His Excellency Gov. CLAIBORNE.

NATCHITOCHES, *August* 31, 1806.

SIR: By the return of Colonel Hopkins I am honored with your Excellency's reply to my communication of the 28th instant. I continue of opinion that the advance of Spanish troops within a territory claimed by the United States, is evidence of an unfriendly disposition; nor can I perceive anything in your Excellency's letter which can justify or extenuate the offensive conduct observed towards Mr. Freeman and his associates, or the indignity offered in the Caddo nation to the American flag.

You have not denied, sir, that the French, when in possession of Louisiana, had established a garrison on Red river, far beyond the place where Mr. Freeman and his associates were arrested on their voyage, or that the Caddo Indians were formerly considered as under the protection of the French Government. The silence of your Excellency on these points proceeds probably from a knowledge, on your part, of the correctness of my statements. I shall, however, touch no further on these transactions, in my correspondence with your Excellency, but will hasten to lay the same before the President of the United States, who will know what measures to direct when wrongs are offered to the American nation. I cannot however, refrain from expressing my displeasure at the arrest and detention, under your Excellency's orders, of three citizens of the United States, Shaw, Irvin, and Brewster; they are charged with no offence that would warrant imprisonment and transportation to St. Antonio. A state of actual war between our two nations could not have justified your conduct, towards those unoffending citizens. I can venture to assert, that the suspicions of your

Excellency as to the objects of Shaw, Irvine, and Brewster, are unfounded. They certainly would have no particular inducements to notice the positions or movements of your troops. The fact, I believe, is, that these men were desirous of gratifying their curiosity, and wished your Excellency's passports to visit St. Antonio. Under this impression, and from the circumstance that they were within the territory claimed by the United States, I deem it my duty to demand their release and speedy restoration to their country. It cannot be supposed that the distance to St. Antonio, or their personal convenience, occasioned the escort which attended them. They appear, on the contrary, to have been treated by your Excellency as State prisoners, and as such, I have information of their having passed through Nacogdoches under a strong guard. Your Excellency will recollect that the subjects of His Catholic Majesty are daily in the habit of visiting the post of Natchitoches, and cannot but observe the positions and movements of the American troops. They, however, are permitted to pass without molestation. A friendly and innocent intercourse between the citizens of the one, and the subjects of the other Power, has not, as yet, been interdicted by this Government. I am persuaded, therefore, that your Excellency will see that the arrest of Shaw, Irvine, and Brewster, was premature, and that their detention is highly improper. I have no personal knowledge of these three men; they are American citizens, and, of course, under the protection of the Government of the United States. In the name of that Government, therefore, I do now demand their release, and that they be restored to their country as soon as possible.

Pending the negotiations between our respective Governments, I could wish that hostilities should not commence in this quarter, but, if provoked to it, by the unjust aggressions of the forces of His Catholic Majesty, the troops of the United States will endeavor to maintain their own and their country's honor.

Lieutenant Duforest, of the American Army, is charged with the delivery of this letter to your Excellency, and to bear me such answer as you may think proper to return.

I renew to your Excellency the assurances of my respectful consideration.

WM. C. C. CLAIBORNE.

His Excellency Gov. Herrera.

Extract of a letter from General Wilkinson to the Secretary of War, dated

Headquarters, Natchitoches,
October 4, 1806.

I yesterday morning received Governor Cordero's answer to my address of the 24th ultimo, copies of which you have under cover.

The varied style of this letter, when contrasted with those of Governor Herrera to Colonel Cushing and Governor Claiborne, combined with the circumstance of the Spanish troops having recrossed the Sabine to a man, has induced me, on the ground of economy, and of expediency also, to discharge the militia who have reached this place, and to countermand those under march excepting about one hundred dragoons and mounted infantry, whom I shall retain in service, (until I am apprized of the determination of the Captain General, Salcedo,) to watch the movements of our neighbors.

Headquarters, Army of the U. S.
Natchitoches, *Sept.* 24, 1806.

Sir: After the recent communications which have passed between his Excellency Governor Herrera, Colonel Cushing, and Governor Claiborne, and his reiterated repulsion of their reasonable and rightful demands, I will confess to your Excellency, that naught but the very high and solemn obligations which I owe to humanity, could vanquish the repugnance with which I now have the honor to address you, on a topic profoundly interesting to our respective nations, inasmuch as it may involve a question of peace or war.

The differences of opinion which have prevailed concerning the contested limits of Louisiana, having been submitted to amicable negotiation by our respective sovereigns, the appeal to rational inquiry is an admission of the dubiosity of the right, and therefore should prevent any change of military positions posterior to the delivery of the province of Louisiana to the United States.

The Government of the American Union, founded in right and conducted by reason, has been instructed by the history of other times how to value the blessings of peace, and, being unambitious of conquest or military fame, is desirous to preserve a fair and friendly understanding with all the Powers of the earth.

Thus circumstanced, and under daily expectation of a favorable issue to the depending negotiations, it would mark a sanguinary spirit, and be a most ungracious and unwarrantable deed, were the military officers of either Government, by an act of precipitancy, to frustrate the benevolent views of a pacific discussion, and make way for the commencement of hostilities, whose final issue may baffle human foresight, but whose probable consequences would be scenes of revolution and bloodshed, offensive to humanity, and subversive of the general policy of nations.

In this state of things, I am ready to pledge myself that, pending the negotiations of the two countries, nothing shall be attempted against His Catholic Majesty's subjects or territories by the troops under my command, unless his officers should attempt, as they have already done, to innovate the "statu quo" at the surrender of the province, by occupying new ground, or erecting new posts, or unless they should trespass on the rights of the citizens, or violate the sovereignty of these States; the former conduct will compel counter movements and occupancies, and the latter will not only justify recrimination, but will infalliby excite it, and thus hostilities may be produced, notwithstanding the peaceful dispositions of the high Powers to whom they are respectively accountable.

When the troops of the United States took possession of this post, the Spanish commandant from whom it was received, did not define the limits of his jurisdiction; yet it was notorious that Nacogdoches formed the barrier post of the approximate province of Texas. It was known, also, that controversies had existed between France and Spain respecting the western limits of Louisiana, and we had been assured by Monsieur Laussatt, the French Commissioner who delivered the province to the United States, that the pretensions of France went as far west as the Rio del Norte; but we are not informed that any line of demarcation had ever been traced to partition these provinces.

Whether such a line of territorial jurisdiction had ever been established or not between the provinces of Louisiana and Texas, one has been rendered indispensable by the sale of the former to the United States, for the administration of justice, the security of property, and the prevention of hostile collisions; and these States, with pretensions far more extensive, adopted the Sabine river as the most obvious, most convenient, most natural, and least exceptionable temporary boundary.

I am, therefore, sir, commanded by the President of the United States to inform you "that the actual quiet possession of the country by the United States east of the river Sabine, ought and will be considered as fully within the limits of the country surrendered to the United States on taking possession of this place; and, therefore, any attempt on the part of His Catholic Majesty's officers to disturb the existing state of things, by endeavoring to occupy any new post east of the Sabine, or westward or northward of the former boundaries, of what has been called West Florida, must be considered by the Government of the United States as an actual invasion of their territorial rights, and will be resisted accordingly." And while I submit these commands to your grave consideration, in the hope they may have due weight, it becomes my duty to demand from you the withdrawal of the troops of Spain to the west of the Sabine.

My sense of the high respect which is due from one old soldier to another, prohibits the idea of menace; but, as our honor forbids stratagem or deception before our swords have been drawn, I owe it to my own fame, and to the national character, to warn you that the ultimate decision of the competent authority has been taken; that my orders are absolute, and my determination fixed, to assert, and, under God, to sustain the jurisdiction of the United States to the Sabine river against any force which may be opposed to me.

Retire then, sir, I conjure you, the troops of your command from the ground in controversy, and spare the effusion of human blood, without prejudicing your own honor, or the substantial interest of His Majesty, your royal master.

Colonel Thomas H. Cushing, *chef-des-etats-major* of the Army of the United States, has my orders to deliver this letter to you, and wait a reasonable time for your answer.

I pray God to keep your Excellency in his holy protection for many years, and have the honor to be your most obedient and humble sernant.

JAMES WILKINSON.

His Excellency Gov. Cordero.

Nacogdoches Camp, *Sept.* 29, 1806.

Excellent Sir: By the hands of Colonel Thomas Cushing, chief of the general staff of the United States Army, I have had the honor, yesterday, to receive your Excellency's letter, written from your headquarters at Natchitoches.

Being unauthorized to enter into a discussion of the serious and interesting matters on which you treat, I hope your Excellency will excuse me for transmitting your letter, with the utmost celerity, to the hands of the Captain General Brigadier Nimesio Salcedo, under whose orders I act, and I shall transmit to your Excellency his answer, in the same manner, by the hands of an officer of my staff.

While thus acting, I have the honor to offer to your Excellency my respects and consideration, praying God to keep you alive many years.

I am, sir, your Excellency's most humble and obedient servant,

ANTONIO CORDERO.

His Excellency Don Jas. Wilkinson.

Extract of a letter from General Wilkinson to the Secretary of War, dated

Natchitoches, *October* 21, 1806.

Accidental causes having detained the bearer, I am enabled to transmit you, under cover, the answer of Governor Cordero to my note of the 4th instant, of which a copy has been forwarded, and a duplicate will accompany this.

I send you a literal copy of the Governor's letter, in place of a very imperfect translation, which, however, serves to remove all doubts of the continued pretensions of the Spaniards to extend their jurisdiction to the Arroya Fonda, within seven miles of this post, and confirms my determination to advance to the Sabine, for which point, my arrangements being completed, I shall march to-morrow morning; but agreeably to the idea expressed in a former letter, I intend to propose to the Spanish commander the withdrawal of our troops, respectively, to the points of occupancy at the period of the surrender of the province to the United States, and in case of his refusal I shall be governed by circumstances.

I am informed the Captain General Salcedo was to be at Nacogdoches on the 22d proximo.

Headquarters, Natchitoches,
October 4, 1806.

Sir: I have had the honor to receive your Excellency's letter of the 29th ultimo, by Colonel Cushing, and shall expect the answer of his Excellency the Captain General Salcedo with solicitude.

In the meantime, I shall move forward towards the Sabine, and, to prevent the misinterpretation of my motives, I consider it proper to apprize you that this movement is made solely to demonstrate the pretensions of the United States to the territory east of that river, and with no hostile intentions against the troops or realms of Spain.

This step has been rendered essential to the honor of the United States, by the late movements and occupancy of his Excellency Governor Herrera, and is also justified by the position which the troops of your Excellency's command have recently taken, immediately on the western bank of the Sabine, sixty miles advanced of Nacogdoches.

I avail myself of a casual, but certain conveyance to transmit this letter to your Excellency, and I pray God to keep you in his holy protection for many years.

JAMES WILKINSON.

His Excellency ANTONIO CORDERO.

GREAT BRITAIN AND FRANCE.

[Communicated to Congress, February 19, 1807.]

To the Senate and House of Representatives:

I transmit to Congress a letter from our Ministers Plenipotentiary at London, informing us that they have agreed with the British Commissioners to conclude a treaty, on all the points which had formed the object of their negotiation, and on terms which they trusted we would approve.

Also, a letter from our Minister Plenipotentiary at Paris, covering one to him from the Minister of Marine of that Government, assuring him that the Imperial decree, lately passed, was not to affect our commerce, which would still be governed by the rules of the treaty established between the two countries.

FEB. 19, 1807. TH. JEFFERSON.

LONDON, *Dec.* 27, 1806.

SIR: We have the pleasure to acquaint you that we have this day agreed with the British Commissioners to conclude a treaty on all the points which have formed the object of our negotiation, and on terms which, we trust, our Government will approve. It will require only a few days to reduce it to form. When that is done, we shall transmit it to you by a special messenger. We hasten to communicate to you this interesting intelligence, for the information and guidance of our Government, in such measures as may have reference to the subject.

We have the honor to be, &c.

JAMES MONROE,
WM. PINCKNEY.

JAMES MADISON, *Secretary of State.*

PARIS, *Dec.* 24, 1806.

SIR: I have the honor of transmitting the copy enclosed of a letter from His Majesty's Minister of Marine and Colonies, in answer to mine of the 10th instant, on the subject of the Imperial arrêt of the 21st of November, 1806.

An additional explanation, which it may be well to communicate, is, that neutral vessels coming from England or her colonies into the ports of France, &c., since the date of the aforesaid arrêt, will not be received; and that if any person or persons, charged with the ship, or other vessel, and cargo, shall be detected in evading this regulation, by means of false declarations, they shall forfeit the said ship, or other vessel, and cargo.

I am, sir, &c.

JOHN ARMSTRONG.

MR. MADISON, *Washington.*

General Armstrong to the Minister of Marine and Colonies.

PARIS, *Dec.* 10, 1806.

The undersigned, Minister Plenipotentiary of the United States of America, has the honor of demanding from His Excellency the Minister of Marine and Colonies, the official explanation which may have been given to the Imperial decree of the 21st November, 1806, so far as that decree involves the rights of neutral nations.

The undersigned would more particularly wish to be informed, whether by "British Islands," mentioned in article one, are to be understood all islands in the possession of His Britannic Majesty, and islands merely, or, whether the rule will be so construed as to extend the blockade to the continental possessions also of his said Majesty?

Whether it be meant that the arrêt shall operate from its date, and that seizures made under it, before notice shall have been given, shall be considered legal?

Whether American vessels, navigating the high or narrow seas, shall be liable to seizure, on evidence only that they are going to, or returning from, a port or ports of His Britannic Majesty?

And whether the articles two and five shall operate only as domestic regulations, or whether their injunctions shall extend to citizens of foreign and independent nations?

His Excellency the Minister of Marine is sufficiently aware of the interest of the United States in the interpretation which shall be given to those articles, and will readily and justly appreciate the motives of the undersigned, in requesting that His Excellency's answer may be given as promptly as possible.

The undersigned has the honor of renewing, &c. JOHN ARMSTRONG.

The Minister of Marine and Colonies to the Minister Plenipotentiary of the United States.

PARIS, *Dec.* 24, 1806.

MR. MINISTER PLENIPOTENTIARY: I hasten to answer the note you did me the honor to address to me on the 10th of this month.

I consider the Imperial decree of the 21st of November last as, thus far, conveying no modification of the regulations at present observed in France, with regard to neutral navigators, nor consequently of the Convention of the 30th of September, 1800, (8th Vendemiaire, 9th year,) with the United States of America.

But although, by this answer, the four questions upon which your Excellency has desired to know my opinion have been implicitly resolved, I think I can add,

1st. That the declaration expressed by the first article of the decree of the 21st November, not at all changing the present French laws concerning maritime captures, there is no reason for inquiring what interpretation, or restriction, or extension, may be given to this article.

2d. That seizures, contrary to the present regulations concerning cruising, shall not be allowed to the captors.

3d. That an American vessel cannot be taken at sea, for the mere reason that she is going to a port in England, or is returning from one; because, conformably with the seventh article of the said decree, we are limited in France not to admit vessels coming from England or the English colonies.

4th. That the provisions of articles second and fifth of the said decree, naturally apply to foreign citizens domiciliated in France, or in the countries occupied by the troops of His Majesty the Emperor and King, inasmuch as they have the character of a general law; but, that it will be proper that your Excellency should communicate with the Minister of Exterior Relations as to what concerns the correspondence of the citizens of the United States of America with England.

I pray your Excellency, Mr. Minister Plenipotentiary, to receive the assurance of my high consideration.

The Minister of Marine and of the Colonies,
DECRES.

It will not escape General Armstrong, that my answers cannot have the development which they would receive from the Minister of Exterior Relations, and that it is naturally to him that he ought to address himself for these explanations, which I am very happy to give him, because he wishes them, but upon which I have much less positive information than the Prince of Benevento. DECRES.

Imperial Decree of the 21st November, 1806.

ARTICLE 1. The British islands are declared in a state of blockade.

ART. 2. All commerce and correspondence with the British islands are prohibited. In consequence, letters or packets, addressed either to England, to an Englishman, or in the English language, shall not pass through the post office, and shall be seized.

ART. 3. Every subject of England, of whatever rank and condition soever, who shall be found in the countries occupied by our troops, or by those of our allies, shall be made a prisoner of war.

ART. 4. All magazines, merchandise, or property, whatever, belonging to a subject of England, shall be declared lawful prize.

ART. 5. The trade in English merchandise is forbidden; all merchandise belonging to England, or coming from its manufactories and colonies, is declared lawful prize.

ART. 6. One half the proceeds of the confiscation of the merchandise and property declared good prize by the preceding articles, shall be applied to indemnify the merchants for the losses which they have suffered by the capture of merchant vessels by English cruisers.

ART. 7. No vessel coming directly from England, or from the English colonies, or having been there since the publication of the present decree, shall be received into any port.

ART. 8. Every vessel contravening the above clause, by means of a false declaration, shall be seized, and the vessel and cargo confiscated, as if they were English property.

ART. 9. Our Tribunal of Prizes at Paris is charged with the definitive adjudication of all the controversies which may arise within our empire, or in the countries occupied by the French army, relative to the execution of the present decree. Our Tribunal of Prizes at Milan shall be charged with the definitive adjudication of the said controversies, which may arise within the extent of our kingdom of Italy.

ART. 10. The present decree shall be communicated, by our Minister of Exterior Relations, to the Kings of Spain, of Naples, of Holland, and of Etruria, and to our allies, whose subjects, like ours, are the victims of the injustice and the barbarism of the English maritime laws. Our Ministers of Exterior Relations, of War, of Marine, of Finances, of Police, and our Postmasters General, are charged, each in what concerns him, with the execution of the present decree.

STATE OF THE FINANCES.

[Communicated to the Senate, December 8, 1806.]

In obedience to the directions of the act supplementary to the act, entitled "An act to establish the Treasury Department," the Secretary of the Treasury respectfully submits the following report and estimates:

Revenue and Receipts.

The net revenue arising from duties on merchandise and tonnage, which accrued during the year 1804, amounted, after deducting that portion which arose from the additional duties constituting the Mediterranean fund, to - $12,673,458

And that which accrued during the year 1805, amounted, after making a similar deduction, (as will appear by the statement A,) to - - 13,083,823

It is ascertained that the net revenue which has accrued during the three first quarters of the year 1806, exceeds that of the corresponding quarters of the year 1805; and that branch of the Government may, exclusively of the Mediterranean fund, be safely estimated, for the present, at thirteen millions of dollars.

The statement B exhibits in detail the several species of merchandise, and other sources, from which that revenue was collected during the year 1805.

It appears by the statement C that the sales of public lands have, during the year ending on the 30th September, 1806, exceeded 473,000 acres. The actual payments by purchasers have, during that period, amounted to $850,000, of which sum near $700,000 have been paid in specie, and the residue in stock of the public debt. The specie receipts from that source may, after deducting charges, and five per cent. reserved for roads, be estimated, for the ensuing year, at five hundred thousand dollars.

The receipts arising from the permanent revenue of the United States may, therefore, without including the arrears of direct tax and internal revenue, the duties on postage, and other incidental branches, be computed, for the year 1807, at - - - - - - - $13,500,000

And the payments into the Treasury during the same year, on account of the temporary duties constituting the Mediterranean fund, estimated at - - - - - 1,000,000

Making, in the whole, an aggregate of 14,500,000

Expenditures.

The permanent expenses are estimated at $11,400,000, and consist of the following items, viz:

1. The annual appropriation of $8,000,000, for the payment of the principal and interest of the public debt, of which sum, not more than $3,600,000 will, for the year 1807, be applicable to the payment of interest - - - - $8,000,000

2. For the civil department, and all domestic expenses of a civil nature, including invalid pensions, the light-house and mint establishments, the expenses of surveying public lands, the fourth instalment of the loan due to Maryland, and a sum of $130,000 to meet such miscellaneous appropriations, not included in the estimates, as may be made by Congress - - - 1,150,000

3. For expenses incident to the intercourse with foreign nations, including the permanent appropriation for Algiers - - - - - - 200,000

4. For the Military and Indian departments, including trading-houses, and the permanent appropriations for certain Indian tribes - 1,150,000

5. For the Naval establishment - 900,000

11,400,000

The extraordinary demands for the year 1807, already authorized by law, mount to two millions seven hundred thousand dollars, viz:

The balance of the American claims assumed by the French convention, which remained unpaid on the 30th Setember last, amounting to $700,000

And the two millions of dollars appropriated by the act of 13th February, 1806, making provision for defraying any extraordinary expenses attending the intercourse between the U. States and foreign nations - - 2,000,000 - 2,700,000

Making, together, - - - 14,100,000

From which it appears that, besides a surplus of four hundred thousand dollars, the resources of the ensuing year will be sufficient to meet the current demands, and to discharge, without recurring to the loan authorized by the last mentioned act, the extraordinary appropriation of two millions for foreign intercourse.

It is here proper to state, that, under the authority given by that act, a credit of one million of dollars has been opened in Holland, to the Ministers of the United States appointed to treat with Spain. Should the credit be used, the million will be charged to the proper appropriation; but, although the balance chargeable to the expenditure of the year 1807, will, in that case, be only one, instead of two millions, as stated in the above estimate, the general result will be the same, as it will then be necessary to replace, in Holland, the million thus employed for a different object than the payment of the foreign debt, to which it now stands charged.

The balance in the Treasury amounted, on the 30th day of September, 1805, to $4,558,664 02; and, on the 30th day of September, 1806, to $5,496,969 77. But it will, on account of the heavy payments to be made in the course of this month for the public debt, be probably reduced, on the 1st January, 1807, to a sum not much exceeding four millions of dollars.

Public Debt.

The annexed note of the proceedings of the Commissioners of the Sinking Fund, marked E, shows that a considerable portion of the annual appropriation of eight millions of dollars was applicable this year to the reimbursement or purchases of the domestic debt. No more than $17,517 61 were offered at market price, and accordingly purchased. The reimbursement of the Navy six per cent., amounting to $711,700, was, therefore, effected on the 30th day of September last, and that of the five and a half per cent. stock, amounting to $1,847,500, is advertised for the 1st day of January next. The payment of the last mentioned sum will be made by the Treasury in the course of this month. Although a more than usual portion of the appropriation for the calendar year 1806, falls, for that reason, on the last quarter, it appears, by the statement D, that the payments on account of the principal of the public debt have, during the year ending on the 30th day of September, 1806, amounted to near three millions two hundred and fifty thousand dollars.

It appears by the same statement, that the payments on account of the principal of the public debt have, from the 1st of April, 1801, to the 30th September, 1806, amounted to - $21,203,903 55

The payments on the same account, to be made by the Treasury in the course of this month, are—	
For the reimbursement of the five and a half per cent. stock - -	1,847,500 00
For the annual reimbursement of the six per cent. and deferred stocks - - - -	933,389 19
Amounting altogther to - -	24,044,772 74

And making the total of principal of the public debt, reimbursed from the 1st of April, 1801, to the 1st January, 1807, more than twenty-four millions of dollars.

During the same period, there have also been paid to Great Britain, in satisfaction and discharge of the money which the United States might have been liable to pay, in pursuance of the provisions of the sixth article of the Treaty of 1794, two millions six hundred and sixty-four thousand dollars; and to the holders of bills, drawn by the Minister of the United States, at Paris, on account of American claims assumed by the convention with France, a sum exceeding three millions and fifty thousand dollars; neither of which sums is included in the preceding statement of debt redeemed.

As the only parts of the public debt which the United States have a right to reimburse, during the year 1807, consist of the annual reimbursement of the six per cent. and deferred stocks, estimated at $1,540,740, and of the four and a half per cent. stock, amounting to $176,000, it will not be practicable, unless purchases can be effected within the limitations prescribed by law, to apply, during that year, the whole of the annual appropriation of eight millions of dollars. The unexpended balance, together with the appropriation for the year 1808, will enable the United States to reimburse, on the 1st of January, 1809, the whole of the eight per cent. stock, which is irredeemable before that day.

But in order that Congress may have a clear view of the situation of the public debt after the year 1808, and be enabled to decide on the propriety of making further legislative provision for that object, it appears necessary to state, distinctly, 1st. The operations which will take place in relation to the debt, during the years 1807 and 1808. 2dly. The several species and aggregate of debt, which will have been extinguished between the 1st April, 1801, and the 1st January, 1809. 3dly. The several species and aggregate of debt remaining unpaid on the last mentioned day. 4thly. A comparative view of the revenue, and annual payments on account of the debt, after that day.

1. The payments to be made during the years 1807 and 1808, on account of the principal and interest of the public debt, consist of the following items, viz:

Interest and reimbursement of the six per cent. and deferred stocks - - -		$6,688,296 08
Of which sum, the sum required for interest is -	3,512,337 83	
And the reimbursement of principal will amount to -	3,175,958 25	
	$6,688,296 08	
Interest and charges on all the other species of debt - -		3,529,457 50
Principal of the eight per cent. and four and a half per cent stocks		6,538,400 00
Making altogether - - -		16,756,153 58
That is to say, for interest - -	$7,041,795 33	
And in reimbursement of principal	9,714,358 25	
	16,756,153 58	

This sum exceeds, by only $756,000, the sixteen millions appropriated by law for those two years; and that difference may be supplied, according to law, from the surplusses of revenue already accrued, which are sufficient for that purpose, and which it will be eligible to apply in that manner, in order that the United States may not continue to pay an interest of eight per cent., any longer than they are compelled to do it by the terms of the loan.

2. The amount of debt redeemed from the 1st of April, 1801, to the 1st January next, has been already stated to be - - -	$24,044,792 74
And the principal which will be reimbursed during the year 1807 and 1808, amounts, by the preceding statement, to - -	9,714,358 25
Making together more than $33,750,000, reimbursed between the 1st of April, 1801, and the 1st January, 1809, - - - -	33,759,150 99

Which sum consists of the following items, viz:

The whole of the foreign debt -	$10,236,108 05
The whole of the loans formerly obtained from the Bank of the United States, and of the Navy six, five and a half, four and a half, and eight per cent. stocks	12,537,600 00
Annual reimbursements of the six per cent. and deferred stocks -	10,631,575 67
Payments in various species of stock, for public lands, stock purchased, and unfunded debt reimbursed - - -	353,867 27
	33,759.150 99

3. The debt remaining unpaid on the 1st day of January, 1809, will consist of the following species:

Unredeemed amount of old six per cent. and deferred stocks, reimbursable only at the rate of eight per cent. a year (for principal and interest) on the nominal amount,	$27,142.357 21
Three per cent. stock	19,019,481 56
1796 six per cent. stock, redeemable in 1819	80,000 00
Louisiana stock, reimbursable in four annual instalments, in the years 1818, 1819, 1820, and 1821,	11,250,000 00
Amounting altogether to near fifty-seven millions and five hundred thousand dollars	57,491,838 77

The Louisiana stock cannot be reimbursed before the period fixed by the contract. The gradual operation of the annual reimbursement will extinguish the old six per cent. in the year 1818, and the deferred stock in 1824; after which year the only remaining encumbrance will be the interest on the three per cent. stock, which, in its present shape, may be considered as irredeemable. Purchases cannot be relied upon, as the application of even an inconsiderable sum would raise the stocks above the prices limited by law. It follows, that all the species of debt on which the entire annual appropriation of $8,000,000 could operate, will have been reimbursed prior to the year 1809; that the remaining debt cannot, without some modifications, assented to by the public creditors, be more rapidly or completely discharged than is here stated; and that the annual payments on that account will, after the year 1808, and prior to the year 1818, be reduced to the interest and annual reimbursement, amounting to near $4,600,000, as will more fully appear by the annexed table, marked G.

4. The revenue derived from customs during the year 1802, which was a year of European peace, was much less in proportion than that of any of the immediately preceding or following years, and yet exceeded ten millions of dollars. As it has been ascertained that the population of the United States increases at the rate of thirty-five per cent. in ten years, the revenue derived from customs for the year 1812, may be estimated at thirteen millions five hundred thousand dollars: to which, adding only five hundred thousand dollars, for the annual proceeds of the sales of public lands, will give fourteen millions of dollars for the total revenue of that year, or for the average revenue of the years 1809 and 1815. And this must be considered as a very moderate computation, since it does not include the revenue derived from New Orleans; is predicated on the supposition that the wealth of the United States increases in no greater ratio than their population; and does not exceed the sum, which, exclusively of the Mediterranean fund, was received last year into the Treasury.

The annual payments on account of the public debt will, during the same period, amount, as has already been stated, to $4,600,000. All the other expenses of the United States, whether domestic or foreign, of a civil nature, or for the support of the existing Military and Naval Establishments, do not, at present, exceed $3,500,000. The total annual expenditure, allowing four hundred thousand dollars a year for contingencies, may, therefore, be estimated, after the year 1808, at eight millions and a half; which, deducted from a revenue of fourteen millions, will leave a net annual surplus of five millions and a half of dollars.

The question now recurs, whether a portion of that surplus would not be most advantageously employed in hastening the reduction of the debt? Whether some mode may not be devised to provide, within a short period, for its final and complete reimbursement, and, thereby, release the public revenue from every encumbrance? This can only be effected by a modification of the debt, assented to by the public creditors; and a conversion of the old six per cent. deferred, and three per cent. stocks, on terms mutually beneficial, into a common six per cent. stock, redeemable within a limited time, has appeared the most simple and eligible, if not the only practicable plan, that can be adopted. For its details, a reference is respectfully made to a letter written in January last, to the Chairman of the Committee of Ways and Means, a copy of which, marked F, is annexed. It will only be necessary to state, that, if such a plan should be sanctioned by Congress, and accepted by the creditors, those several species of debt, amounting, on the 1st of January, 1809, to something more than forty-six millions of dollars, would be converted into a six per cent. stock, amounting to less than forty millions of dollars, which the continued annual appropriation of eight millions of dollars would (besides paying the interest on the Louisiana debt) reimburse, within a period of seven years, or before the end of the year 1815, as will appear by the table marked H.

The total annual expenditure for those seven years, would then, allowing still $3,500,000 for current expenses, and $400,000 for contingencies, amount to something less than twelve millions of dollars; which, deducted from a revenue of fourteen millions of dollars, would still leave, after the year 1808, a clear surplus of more than two millions of dollars, applicable to such new objects of general improvement or national defence, as the Legislature might direct, and existing circumstances require. And, after the year 1815, no other encumbrance would remain on the revenue than the interest and reimbursement of the Louisiana stock, the last payment of which, in the year 1821, would complete the final extinguishment of the public debt. All which is submitted.

ALBERT GALLATIN,
Secretary of the Treasury.

TREASURY DEPARTMENT, *Dec.* 5, 1806.

E.

At a meeting of the Commissioners of the Sinking Fund, on the 28th day of April, 1806—

Present:

JAMES MADISON, Secretary of State.
ALBERT GALATIN, Secretary of the Treasury.
JOHN BRECKENRIDGE, Attorney General.

The Secretary of the Treasury laid before the Board a report, dated the 26th April, 1806, which was read, and is as follows:

"That the current payments to be made by the Commissioners of the Sinking Fund, during the year 1806, are estimated as follows, viz:

Reimbursement and interest on the domestic debt - - - - - - -	$4,585,000
Instalments and interest on the Dutch debt, payable from 1st January, to 1st June, 1807, and which must, therefore, be remitted in 1806 - -	1,004,032
One year's interest on the Louisiana stock - - - - - -	678,375
Amounting, altogether, to -	$6,267,407
And leaving, in order to complete the annual appropriation of eight millions of dollars, a sum exceeding one million seven hundred and thirty thousand dollars, exclusively of the interest which may be redeemed by the payment of said said sum, to be applied in such manner as the Board shall direct - - - - - -	1,732,593
	$8,000,000

That the said sum may be applied either to reimbursements or purchases of the public debt.

That the only portions of the debt which may be reimbursed, are:

The Navy six per cent. stock, amounting to - - - - - - -	$711,700
The five and a half per cent. stock, amounting to - - - - - - -	1,847,500
And the four and a half per cent. stock, amounting to - - - - - - -	176,000

And that it is now submitted, whether, previous to advertising the reimbursement of the five and a half per cent. stock, it might not be advisable to ascertain whether a more advantageous application may be effected by purchases in the manner authorized by law."

Whereupon, it was *Resolved*,

1. That the sum which, after making the current payments mentioned in the preceding report, shall remain to complete the annual appropriation of eight millions of dollars, be applied in the following manner, viz: first, to the purchase of the eight per cent., old six per cent., and deferred stocks, at a price not exceeding the rates fixed by law; giving the preference, in the first place, to the eight per cent., and, in the next place, to the deferred stock, provided that the President of the United States shall assent to such application; and, secondly, in case that a sufficient quantity of stock cannot be purchased, to the reimbursement of the Navy six per cent. stock, and, at the option of the Secretary of the Treasury, either to the reimbursement of the five and a half per cent. stock, or of so much of the bills drawn on the Treasury, by the Minister of the United States at Paris, in conformity with the convention between France and the United States, of the 30th of April, 1803, as will be necessary to complete the payment of the said eight millions of dollars.

2. That the Treasurer of the United States be the agent, under the superintendence of the Secretary of the Treasury, for making the said purchases; that the said purchases be made by receiving sealed proposals for any sums which may be offered; and that the said agent forthwith advertise to receive such proposals, until the 13th day of June next, inclusively.

3. That notice of the reimbursement of such stocks as may be reimbursed, be given by the Secretary of the Treasury, prior to the first day of October, or the first day of June next.

JAMES MADISON, *Sec. of State.*
A. GALLATIN, *Sec. of Treasury.*
J. BRECKENRIDGE, *At. Gen. U. S.*

Attest: EDWARD JONES, *Secretary.*

F.

TREASURY DEPARTMENT,
January 20, 1806.

SIR: I had the honor, in my letter of the 28th ultimo, to suggest that a conversion of the old six per cent. deferred, and three per cent stocks, into a new six per cent. stock, would promote the intention of the Legislature to extinguish, within a fixed period, the whole debt of the United States. For a better understanding of the subject, a recapitulation of the several species of stock, which, on the first day of this year, constituted the public debt, is necessary. The first class embraces the several species of debt, reimbursable on or before the 1st day of January, 1809, viz:

1. *Dutch Debt.*

The amount of principal remaining unpaid on the 31st of December, 1805 - - - *Guilders*,	5,500,000	
Of which there had been remitted, previous to that day, in addition to the interest of the year 1806, a sum more than sufficient to discharge all the instalments payable in the same year, and amounting to -	2,000,000	
Leaving for the balance of principal unprovided for - - - - -	3,500,000=	$1,400,000
Nine hundred and twenty thousand dollars of that sum fall due in the year 1807, and the residue is payable in two equal instalments, of $240,000 each, on the 1st days of Febr'y, 1808 and 1809. The whole amount, therefore, will have been paid by the Treasury, before the end of the year 1808.		

2. *Eight per cent. stock irredeemable till after the year* 1808.

The original amount of that stock was	$6,480,400	
Of which had been paid, in payment for public lands, prior to the 1st of January, 1806	50,900	
Leaving the amount unredeemed		6,429,500

Partial purchases may, perhaps, be effected within the limitations prescribed by Congress, during this and the two ensuing years; and, at all events, the whole will be reimbursed on the 1st day of January, 1809.

3. *Debts reimbursable at the pleasure of the United States, viz:*

Navy six per cent. stock	$711,700	
Five and a half do.	1,847,500	
Four and a half do.	176,000	
		2,735,200
		10,564,700

Which will also be reimbursed before the year 1809, unless the price of stocks should render it more advantageous to purchase some other species of debt.

The second class consists of debts payable at more distant periods, which it does not appear practicable to anticipate, viz:

1. 1796 six per cent. stock, redeemable in 1819	80,000	
2. Louisiana stock, redeemable in four annual instalments, the first of which is payable in 1818	11,250,000	
		11,330,000

The old six per cent. deferred, and three per cent. stocks constitute the last class, and amount to the following sums:

The nominal amount of six per cent.,	28,180,000		
Of deferred six per cent, is	13,660,000		
	41,840,000		
Of which has been redeemed, by the annual reimbursement of eight per cent. on account of principal and interest, omitting fractions, viz:			
On the six per cent. stock, at the rate of 30.16 per $100		8,500,000	
On the deferred stock, at the rate of 11.30 per $100		1,540,000	
		10,040,000	
Leaving the unredeemed amount on 1st January, 1806, in round numbers		31,800,000	
The nominal amount of three per cent., in round numbers also		19,050,000	
			50,850,000
Total amount of the public debt			$72,744.700

Although the old six per cent. and deferred stock, they are both, in fact, an annuity of eight per cent. on the original amount, which, extinguishing the principal by degrees, will cease for the old six per cent. in the year 1818, and for the deferred in 1824. A certificate of six per cent. stock, of one hundred dollars nominal, was considered, on the 1st of January, 1806, as equal to sixty-nine dollars and ninety-four cents, real six per cent. stock, because thirty dollars and sixteen cents of the principal had been discharged by the annual reimbursement of eight per cent. instead of which, it was, properly speaking, an annuity of eight dollars for twelve years and something less than nine months. And in the same manner, a certificate of deferred stock, of one hundred dollars nominal, was considered as equal to eighty-eight dollars and seventy cents, real six per cent. stock, instead of which, it was, strictly speaking, an annuity of eight dollars for eighteen years and something less than nine months.

The proposition now submitted to the Committee of Ways and Means is, that, in exchange for the present six per cent. and deferred, a common six per cent stock shall be offered to the public creditors, equal in amount to the unredeemed amount of the present stocks, and redeemable at the pleasure of the United States: Provided, however, that no partial payment shall be made on any new certificate or credit, but that Government shall be obliged to reimburse, at a single payment, the whole amount of each such new certificate or credit, and to give previous reasonable notice of such intended reimbursement. Although peculiar circumstances may prevent a general acceptance of that proposal, the exchange would certainly be advantageous to the creditors. Because, 1st, it is difficult to calculate, and inconvenient to reinvest, four times in each year, the portion of principal reimbursed, which makes part of the quarterly dividend; and every stockholder who does not fully thus reinvest, insensibly consumes his capital. 2dly, an annuity for a limited term of years is uniformly sold at market for a price less than its intrinsic or arithmetical worth, as may be exemplified by the market value of every lease, and of every estate, less than he absolute fee. For that reason, the Navy six er cent., which is redeemable at the pleasure of he United States, has always been worth, at market, something more than the old six per cent. and deferred stocks; and these, in England, do not even command a higher price than the American five and a half per cent. stock, which is, also, redeemable at will. 3dly, the time and manner in which the new stock would be reimbursed, would, as far as it is practicable, prevent any great fluctuation in its price, and fix its market value at par.

The exchange would also be advantageous to the public. 1st, Because Government will, thereby, be enabled to reimburse the whole in less than nine years instead of eighteen. And, 2dly, because, supposing that circumstances should render a resort to loans necessary, the terms on which these may be obtained, will, in a considerable degree, depend on the price of the existing stocks. It is, therefore, desirable that that species, the species of which has a tendency to regulate that of all others, should be as valuable as its rate of interest will admit; and it has already been stated, that the present six per cent. and deferred stocks, being an annuity for a number of years, are generally worth less than their intrinsic value. It is believed that that effect was sensibly felt in the operations connected with the purchase of Louisiana.

The advantage of the proposed conversion being reciprocal, no sacrifice should be made by the United States, in order to insure the assent of the public creditors; those who may refuse it, will continue to receive the eight per cent. annuities, and these will, as has been stated, cease in the years 1812 and 1818. It appears, however, proper that such remaining annuities should be designated by their proper name, instead of carrying on the face of the certificates of stock, the deceptive appearance of a six per cent. stock. The annexed printed table, exhibiting the amount of principal redeemed on the first day of each quarter, shows the difficulty to a person not well versed in those transactions, of calculating the true nominal value or unredeemed amount of a stock which is perpetually diminishing, whilst its apparent nominal amount still remains the same. It may easily be understood, how it may, in some instances, happen, that the stockholder consumes his principal, whilst he supposes that he is only living on the interest; and how it does sometimes happen, that ignorant purchasers, thinking that the whole apparent nominal amount, as expressed on the face of the certificate, is still due by the United States, are induced to pay for stock more than its real value.

It is, therefore, proposed, that it should be enacted by law, that, in every case where it shall be necessary to issue new certificates, either in lieu of such as may be lost or destroyed, or by reason of a transfer of the property itself, or from the books of one office to those of another, the new certificate should, on the face thereof, express the true amount of the annuity due, and of the time when it shall cease, instead of stating, as at present, the nominal amount of the stock which was originally due.

A conversion of the three per cent. into the six per cent. stock cannot be so easily effected; nor, indeed, without some apparent sacrifice on the part of the United States.

A three per cent. will always be worth more at market than a six per cent. stock, which produces an equal interest—

1. Because there is a possibility that its nominal amount may ultimately be reimbursed.

2. Because, supposing it to be a perpetual annuity, the principal of which shall never be reimbursed, its market price is regulated, not only by the legal or market rate of interest in America, but by the price of similar foreign stocks, and by the demand for American stocks in foreign countries. More than eleven millions of dollars of the American three per cent. stock are held by persons residing in England, Holland, and other foreign countries. That stock is never worth less than sixty per cent. of its nominal amount, when the old six per cent. stock is at par. It cannot, therefore, be expected, that the holders will assent to any modification which will not secure to them advantages at least equal to those they now possess; and the question to be decided by the committee and by Congress, is, whether that debt shall, henceforth, be considered as a perpetual encumbrance on the nation, or whether such a compensation shall be offered to the creditors, as may induce them to accept a conversion which will secure the object heretofore contemplated—the total extinguishment of the American debt. It may not be improper to add, that, even to those who may think the accomplishment of that object either unimportant or impracticable, the taking into consideration such a state of things as may render new loans necessary, the existence of a three per cent. stock is ineligible. To a nation already encumbered with an immense debt, and subject, on account of her relative situation, to peace and war establishments of great magnitude and corresponding expense, the annual sum which it may be necessary to pay, in order to obtain extraordinary resources, becomes the primary consideration; and that species of stock which, in proportion to its rate of interest, is the most valuable at market, will naturally be created. The political and geographical situation of the United States permits at least a hope, that, under every contingency, the reimbursement of the debts which may necessarily be incurred, will at a subsequent period be attainable, and that the principal will not be increased for the sake of diminishing the intermediate payments of interest. As the ultimate value which a three per cent. stock may reach at market, has natural limits, and the probability of its reaching that value rests on uncertain contingencies, it is presumable that the assent of the creditors may be obtained on reasonable terms, and no greater sacrifice should certainly be made than the advantages expected from the operation will justify. In appreciating the value of the new six per cent. stock, which the creditors would receive, not only its nominal amount, but also the additional annuity which will be payable till the stock shall be reimbursed, must be taken

into consideration. It will, on that account, be eligible to provide that it shall not be redeemable till after all the eight, five-and-a-half, four-and-a-half, and navy six per cent. stocks, as well as all the stock which may be created in exchange of the old six per cent. and deferred stocks, shall have been reimbursed—a period which, supposing no adverse circumstances to intervene, may be estimated at about eight years. Thus, supposing the three per cent. to be converted into a six per cent. stock, at the rate of sixty per cent. of its nominal amount, the creditors would, at the end of eight years, receive sixty dollars, and, in the meanwhile, an annuity of three dollars and sixty cents, instead of three dollars, which he now receives; both which provisions may be considered as nearly equal to a redemption at the rate of sixty-five dollars. It may be added, that this new stock would be worth more at market than the six per cent. created in exchange of the old six per cent. and deferred, and probably more than par. The Louisiana stock, which is irredeemable for twelve years, is now worth, in England, one hundred and five whilst the old six per cent. is only at ninety-five per cent.

Whatever reasonable rate may be paid for the proposed conversion, the United States will provide, at a fixed price, for the redemption of the debt; and the creditor, besides receiving an intermediate additional interest, will exchange the uncertain contingency of a supposed increase of value for the certainty of a reimbursement, greater than the highest price which the three per cent. stock has ever yet reached. It has already been stated, that more than eleven millions of dollars of the three per cent. stock, are held by persons residing in foreign countries. About fourteen millions of the unredeemed amount of the six per cent. and deferred stocks, are in the same situation. As it will be more difficult to obtain the assent of that class of stockholders, particularly as relates to the three per cent. stock, it might also be agreed that the interest due to them on the new stock, should, like that on the Louisiana stock, be paid in Europe—a provision which, without costing much to the United States, will be a strong inducement in favor of the proposed modifications. Nor would it be impracticable to provide for an exchange of certificates in Europe, which would remove the objection arising from the delays and dangers incident to a double transmission of papers across the Atlantic. Some subordinate details may be introduced in the law; but these outlines will be sufficient to convey an idea of the plan which appears to be the most simple and cheapest mode of effecting the object contemplated. Still, it is less the plan thus respectfully submitted, than the subject itself, which I have been desirous of bringing under the consideration of the committee. Although an ample appropriation has been made for the extinguishment of the whole of the public debt, the nature of the greater part of the stock will, unless some modification shall be obtained, prevent or considerably retard the accomplishment of that object. If no alteration shall take place in the nature of that stock, the Commissioners of the Sinking Fund will, after the year 1809, have no other means of applying near one-half of the annual appropriation, than by making purchases. Annual purchase to the amount of near $4,000,000, would necessarily raise the old six per cent. and deferred stocks above par, and the three per cent. stock to the highest price of which it is susceptible. As a necessary consequence, the commissioners would cease to purchase; and without any real advantage being obtained by the creditors, the United States would continue to be encumbered, for a number of years, with the eight per cent., and in perpetuity with the three per cent annuities. Years, perhaps the most favorable for the extinguishment of the debt, would elapse, and periods might follow when the pressure of the annual payments would be sensibly felt. To improve the present time, appears the most provident course; will, it is believed, conform with the public opinion; and is most consistent with the former acts of the Legislature.

I have the honor to be, very respectfully, sir, your obedient servant,

ALBERT GALLATIN.

Hon J. Randolph, *Chairman.*

SALT TAX AND MEDITERRANEAN FUND.

[Communicated to the House, January 7, 1807.]

Committee Room, *Dec.* 12, 1806.

Sir: The Committee of Ways and Means, to whom has been referred that part of the Message of the President of the United States, of the 2d instant, which suggests the expediency of abolishing the duties on salt, and of continuing, for a limited time, those duties, the proceeds of which constitute the Mediterranean fund, have instructed me to request that you will furnish them with such information, in possession of the Treasury Department, as you may deem connected with the subject.

I am, sir, with very high respect, yours,

JOHN RANDOLPH.

The Secretary *of the Treasury.*

Treasury Department,
December 18, 1806.

Sir: I had the honor to receive your letter of the 12th instant, requesting such information as I might deem connected with the proposition for abolishing the duty on salt, and for continuing, for a limited time, the duties which constitute the Mediterranean fund.

An examination of the report made on the 5th instant, in obedience to the provisions of the act, supplementary to the act to establish the Treasury Department, will show, that, if no other expenses whatever shall be incurred, but such as are already actually authorized by law, neither the salt tax, nor the Mediterranean fund, are any longer wanted. The propriety of continuing the last-mentioned fund for a limited time, must be decided by considerations connected with the political situation of the United States: for it is only to provide for the speedy payment of any contemplated acquisition of territory, without creating a new debt, or in case of war, that the fund can be wanted. Under existing circumstances, I should think it consistent with prudence to continue it for one year longer.

As to the duty on salt, the only additional information which appears connected with the subject, is what relates to the allowance heretofore made to vessels employed in the cod fishery: for this, perhaps, exceeds the duties paid on the importation of the salt employed in curing the fish. The allowance has amounted—

For the year 1803, to	$117,174
For the year 1804, to	145,987
For the year 1805, to	152,928

	Quintals.
The quantity of dried American fish exported during the year ending on the 30th September, 1803, to	461,870
For the year ending on 30th September, 1804, to	567,825
And for the year ending 30th September, 1805, to	514,549

But the quantity of fish of that description, consumed within the United States, is not known.

The bounty paid on the exportation of pickled fish, pork, and beef, is said to be no more than the duty on the salt used in curing the same.

Should there be any points on which further elucidations are wanted, and the committee will be pleased to designate what they are, their directions will be immediately attended to.

I have the honor to be, very respectfully, sir, your obedient servant,

ALBERT GALLATIN.

John Randolph, *Chairman, &c.*

Treasury Department,
January 3, 1807.

Sir: I have the honor to enclose a statement of the quantity of salt imported into the several ports of the United States, and exported therefrom to foreign countries, during the year ending on the 30th day of September, 1805.

I have the honor to be, A. GALLATIN.

John Randolph, *Chairman, &c.*

Quantity imported—bushels	3,652,276
Quantity exported— do.	15,544

SINKING FUND.

[Communicated to the Senate, February 5, 1807.]

The Commissioners of the Sinking Fund respectfully report to Congress as follows:

That the measures which have been authorized by the Board, subsequent to their report of the 5th of February, 1806, are fully detailed in the report of the Secretary of the Treasury to this Board, dated the fourth day of the present month, and in the statements therein referred to, which are herewith transmitted, and prayed to be received as a part of this report.

G. CLINTON, *Pres. of Senate.*
J. MARSHALL, *Ch. Just. U. S.*
JAS. MADISON, *Sec. of State.*
A. GALLATIN, *Sec. of Treas'y.*
C. A. RODNEY, *Att'y General.*

Washington, *Feb.* 5, 1807.

The Secretary of the Treasury respectfully reports to the Commissioners of the Sinking Fund:

That the balance remaining unexpended at the close of the year 1804, and applicable to payments falling due after that year, which balance, as appears by the statement B, annexed to the last annual report, amounted to.	$2,316,975 14
Together with the disbursements made during the year, 1805, out of the Treasury, on account of the principal and interest of the public debt, which disbursements, as appears by the statement C, annexed to the last annual report, amounted to	7,328,509 07
And with a further sum, arising from profit on the remittances from America to Europe, purchased in the year 1805, which profit, as appears by the statement D, annexed to the last annual report, amounted to	117,137 52
	$9,762,621 73

Have been accounted for in the following manner, viz:

1. There was repaid into the Treasury during the year 1805, on account of the principal of protested bills, and of advances made to Commissioners of Loans, as appears by the statement E, annexed to the last annual report, a sum of		$66,703 02
2. The sums actually applied during the same year, to the payment of the principal and interest of the public debt, as ascertained by accounts rendered to the Treasury Department, amount, as will appear by statement A, to—		
1. Paid in reimbursement of the principal of the debt	3,905,169 25	
2. Paid on account of interest and charges on the same	4,143,273 57	
		8,048,442 82
3. The balance remaining unexpended at the close of the year 1805, and applicable to payments falling due after that year, as ascertained by accounts rendered to the Treasury Department, amounted, as will appear by statement B, to		1,647,475 89
		$9,762,621 73

That, during the year 1806, the following disbursements were made out of the Treasury, on account of the principal and interest of the public debt, viz:

1. On account of the reimbursement and interest of the domestic debt - - $7,136,368 03
2. On account of the domestic unfunded debt - - - - 249 09
3. On account of the principal and interest of the foreign debt, and of the interest on the Louisiana stock 1,811,389 78

Amounting, altogether, as will appear by the annexed list of warrants C, to - - - - $8,948,006 90

Which disbursements were made out of the following funds, viz:

1. From the funds constituting the annual appropriation of eight millions of dollars for the year 1806, viz: from the fund arising from interest on the debt transferred to the Commissioners of the Sinking Fund, as per account I—. $864,964 02
   From the funds arising from the sale of public lands, being the amount of moneys paid into the treasury from the 1st of July, 1805, to 30th of September, 1806, as per account K 699,385 37
   From the proceeds of duties on goods, and wares, and merchandise, imported, and on the tonnage of ships or vessels - - 6,367,934 59 — 7,932,283 98
   Which sum of $7,932,283 98, together with the sum advanced during the year 1805, on account of the appropriation for the year 1806, and amounting, as appears by the last annual report, to the sum of - - 67,716 02
   Makes, in the whole, the annual appropriation for the year, 1806 - 8,000,000 00
2. From the proceeds of duties on goods, wares, and merchandise, imported, and on the tonnage of ships or vessels, advanced in part, and on account of the annual appropriation for the year 1807 - 1,003,700 70
3. From repayments in the Treasury, on account of remittances purchased for providing for the foreign debt, and of advances made to Commissioners of Loans, as will appear by the statement E, viz:
   Repayment of the purchase money and advances - $6,000
   Damages and interest recovered - - 1,020 — 7,020 00
4. From the moneys appropriated by law for paying commissions to agents employed in the purchase of remittances for the foreign debt, being the amount paid at the treasury, during the year 1806, for that object, as will appear by the statement C - - - - 4.912 22

$8,948,206 90

That the abovementioned disbursements, together with the above stated balance of - - - - 1,647,475 89

Which remained unexpended at the close of the year 1805, and with a sum arising from profit on remittances from America to Europe, purchased in the year 1806, and amounting, as will appear by the statement D, to - - - 35,697 77

And with a further sum, arising from profit on the purchases of the public debt, made by the Commissioners of the Sinking Fund in the same year, and amounting, as will appear by the statement L, to - 437 96

And amounting, altogether, to 10.631.618 52

Which will be accounted for in the next annual report, in conformity with the accounts that shall then have been rendered to the Treasury Department.

That, in the mean while, the manner in which the said sum has been applied, is estimated as follows:

1. The repayments into the Treasury, on account of principal, during the year 1806, amounted, as by the abovementioned statement E, to the sum of - - - - - $6,000 00
2. The sums actually applied, during the year 1806, to the payment of the principal and interest of the public debt, are estimated as follows:
   1. Paid in reimbursement of the principal of the public debt— 4,828,899 17
   2. Paid on account of interest and charges on the same 3,910,791 43 — 8,739,690 60

   As will appear by the estimate F.
3. The balance remaining unexpended at the close of the year 1806, and applicable to payments falling due after that year, is estimated, as per estimate G, at - 1,885,927 92

10,631,618 52

That, in conformity with the proceedings and resolutions of the Commissioners of the Sinking Fund, of the 28th of April, 1806, a copy whereof, M, is annexed, and public notice having been given that proposals would be received by the Treasurer of the United States for the purchase of the public debt, $17,517 61 unredeemed amount of old six per cent. and deferred stocks, were purchased at 97½ per cent. as will appear by the statement L; the other offers, which amounted only to $91,956 nominal value, having been made at prices above the then market price of stocks, and accordingly rejected. And that the statement H exhibits the amount of stock transferred to the Commissioners of the Sinking Fund, in trust for the United States, to the 31st of December, 1806, including the sum of $112,950 56, being the aggregate of the several species of stock transferred in the year 1806, in payment for public lands.

All which is respectfully submitted.

ALBERT GALLATIN,
Secretary of the Treasury.

TREASURY DEPARTMENT, *Feb.* 4, 1807.

CLAIM OF CARON DE BEAUMARCHAIS.

[Communicated to the House, March 10, 1806.]

Mr. JOHN COTTON SMITH, from the Committee of Claims, to whom was referred the petition of Amelie Eugenie Beaumarchais, representative of Caron de Beaumarchais, deceased, by T. A. Chevallié, her attorney, made the following report:

The accounts between the United States and the late Caron de Beaumarchais, have undergone a long and laborious investigation at the Treasury. On mature consideration, a balance has been found due from the United States to the estate of Mr. Beamarchais of $41,119 75; which sum is included in the estimates and will be covered by the general appropriation for the current year. The petitioner, feeling herself aggrieved by this result, (as her demand exceeded half a million of dollars,) makes the present application to Congress, as an appeal to their justice from the decision of the accounting officers.

From the importance of the case, as well to the United States as to the petitioner, your committee have given it their most deliberate attention; they have duly examined the numerous documents furnished them by the Secretary of the Treasury; they have patiently listened to the arguments and representations of the petitioner's agent, and they have sought information from whatever source it might be obtained, calculated in any degree to explain the mystery in which no inconsiderable part of the claim is involved.

Of the several articles of complaint stated in the petition, one only, in the opinion of your committee, merits consideration; the other items of the demand have been adjusted on principles long established at the Treasury, and repeatedly sanctioned by the House. It is alleged by the petitioner, "that the Comptroller, without any sufficient reason, deducted from her demand one million of livres, on pretence that the same was paid to Caron de Beamarchais, by the Government of France for account of the United States, although there is no proof of any such payment."

Among the documents transmitted to the committee, is a copy of a letter dated 20th November, 1802, from the Secretary of the Treasury to the Secretary of State, in justification of the decision already mentioned, which, it appears, had become the subject of a remonstrance to the Department of State, on the part of Mr. Pichon, the accredited agent of the French Government. This letter contains so clear and correct a view of the case, that your committee cannot present the subject to the House more advantageously than by incorporating it with their report. It is as follows:

"The claims of Mr. Beaumarchais against the United States were partly on account of some money advances in Europe; but principally for field artillery, military stores, and clothing, shipped in 1776 and 1777. Although the artillery, and the greater part of the military stores, appeared to have been taken from the King's stores and arsenals, the French Government gave an official notification in 1770 to Congress, that the United States must account with Mr. Beaumarchais for those supplies.

"The accounts have been examined and stated by the Auditor of the Treasury in 1791, on equitable and liberal principles, leaving an apparent balance in favor of Mr. Beaumarchais, but with the reservation of a question relative to a sum of one million of livres tournois, which the Comptroller, after due examination, has considered as a just charge against Mr. Beaumarchais. In order to enable you fully to understand the reasons on which that decision (in which I concurred) was grounded, I do myself the honor to enclose copies of the following documents:

"From those documents the following facts appear, and are not disputed by the parties:

"1st. The French Government furnished to the United States as aids and subsidies, nine millions of livres tournois, viz: three millions before the Treaty of February, 1778, and six millions in 1781, which nine millions were a gratuitous assistance, confirmed as such by the contract of the 26th February, 1783.

"2d. Of the three millions above-mentioned, furnished before the Treaty of February, 1778, two millions were paid to Mr. Grand, banker of the United States, and the other million was paid by the French Government, on the 10th day of June, 1776, to some person for the use of the United States, but neither to Mr. Grand, nor to any other agent of the United States.

"3d. The payment of the last-mentioned million, and the date when furnished, were, as well as the name of the person to whom paid, known to Count de Vergennes, as Minister of Foreign Affairs. The fact itself, and the date, were communicated by him, although he did not think proper to disclose the name of the individual who had received the money.

"4th. On the 10th June, 1776, the same day on which the million was, with the knowledge of, and probably through Mr. Vergennes' department, furnished by the Government of France to some person for the use of the United States, one million was, by order of Count Vergennes, paid to Mr. Beaumarchais, for which sum he was to be accountable to that Minister.

"5th. When the American Government applied, through its proper organ, to the French Government, for the name of the person to whom the million had been advanced for their use, the Minister of Exterior Relations gave it as the result of his inquiries, that Mr. Beaumarchais was the man, and accordingly furnished the Minister of the United States with a copy of Mr. Beaumarchais's receipt for that sum."

Such is the evidence which impressed a conviction that the advance of one million, made by the French Government on the 10th June, 1776, for the use of the United States, and the payment of one million, made by order of the Minister of Foreign Affairs to Mr. Beaumarchais, on the same day, were but one and the same transaction, and that the million having been, by a solemn contract, declared and acknowledged a gratuitous gift to the United States, was justly chargeable by them to Mr. Beaumarchais, who had received it.

On Mr. Beaumarchais's part, the receipt of the million is acknowledged, but a declaration made, that he accounted for it to the French Government. Of this, however, no proof is given; no official copy of that supposed settlement has been produced. Mr. Beamarchais's own declarations on that transaction do not tend to elucidate the mystery, and the letter of the Minister of Finance, deposited by Mr. Beamarchais's agent, so far as it proves any thing, corroborates the identity of the payment to Mr. Beaumarchais as being the advance made for the use of the United States, by showing that no other payment was made by the Royal Treasury to the United States during the year 1776.

"As the application which has rendered this communication necessary comes recommended by the French Government, permit me to observe, that the whole evidence on which the Treasury's decision is grounded, has been furnished to us by that Government. In 1783, the Minister of Foreign Affairs announced the existence of that gratuitous gift. In 1786, he declared it was made on the 10th June, 1776. In 1793, his successor informed us that it was paid on that day to Mr. Beaumarchais. If, for want of a proper or complete information, we have been led into an erroneous decision, it is to that Government we must apply for the means of rectifying it. We well know that they cannot wish us to pay a sum received twenty-six years ago, which, by solemn agreement, they have declared, and we have acknowledged, to be a gratuitous subsidy. But if, on the 10th June, 1776, another million, besides that paid to Mr. Beaumarchais, was advanced to any person for the use of the United States, either by the Royal Treasury, by the Minister of Foreign Affairs, or by any other department of the Government of France, it is only in the records of that Government, that the evidence of that fact can be found; and, if it shall be produced, we shall not hesitate to discharge Mr. Beaumarchais, and to debit the proper person; but until such documents shall be furnished, as will ascertain such improbable fact, the officers of the Treasury are bound to consider the letter of the Minister of Exterior Relations as conclusive evidence in support of their decision."

No further communication seems to have been received from the French Government upon this subject until after the petition, now under consideration, was presented to the House, referred to the Committee of Claims, and by them transmitted to the Secretary of the Treasury. To him the French Minister addressed a letter under date of the 1st January, 1806, a copy of which is herewith communicated, and from which the following is a translated extract:

"In consequence of the report made by Mr. Pichon, of the steps he had, by direction of his Government, taken in favor of the heirs of Beaumarchais, and, on the representation of that family, on the subject of the said million, which was still charged to them, notwithstanding the constant denials made by Mr. de Beaumarchais of his having ever received anything from the Government of France, the Minister of Exterior Relations ordered that the most exact researches should be made in the records of his Department, in order to obtain some elucidations respecting the abovementioned million, to enlighten his judgment, and to determine how far Government ought to interest itself in that transaction, and in favor of the Beaumarchais family. It has resulted that, in a file, entitled 'United States,' a receipt of Mr. Beaumarchais has been found, under the date of the 10th of June, 1766, (for a million,*) which was given to him by orders of the King, for an object of secret political service, of which he reserved the knowledge to himself. (These are the identical words inserted in the said order;) also the account rendered in the same year, by Mr. de Vergennes to his Majesty, of the application of that sum in conformity with his intentions; and also several letters proving that the same Minister, solicited by the Commissioners and agents of the United States to give some elucidations on the object to which the said million had been applied, and on the name of the person who had received it, had uniformly refused it, and when giving a new order to refuse it, had even caused it to be declared in 1786, that it would be inconvenient to grant the requested communication.

"In consequence thereof, the undersigned Minister Plenipotentiary has been authorized:

"1st. To renew the declarations made since 1778 to the Commissioners of the United States, and, in 1779, by his predecessor, Mr. Gerard, to Congress, that the French Government had† ever been unconnected with any of the commercial transactions of Mr. de Beaumarchais with the United States.

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* These words omitted in the original.

† Est resté constamment étranger à toutes les transactions, &c.

"2d. And to declare that the million given the 10th June, 1776, was given for an object of secret political service, of which the King had reserved the knowledge to himself, that it was immediately applied in conformity with his intentions, and the said application approved by him, as appears by the account rendered by Mr. de Vergennes, at the end of the year 1776; that it does not, therefore, appear either just or reasonable to confound that political object with the commercial operations of the same individual with Congress; and, consequently, that no induction can be drawn against the said Beaumarchais, as a personal creditor of the United States, for supplies furnished by him to them, from the voucher communicated by the ex-Commissary of External Relations, Bouchot, to the American Minister, since it so evidently appears that the million in question had a secret destination.

"The undersigned Minister Plenipotentiary will observe, that, by the forms used in France, in every secret operation, all the vouchers in support of the account are destroyed as soon as the competent authority has approved the expense; that the knowledge of the object to which the sums thus disbursed has been applied, remains only in the memory of the authority who gave the order, and of those who concurred in its execution; and that it cannot reasonably be supposed that Mr. de Vergennes should, even so late as 1786, have persisted in covering with a veil of mystery the application of the million in question, had it been given on account of the supplies furnished by Mr. de Beaumarchais."

A satisfactory reply to the foregoing remarks will be found in the letter from the Secretary of the Treasury, addressed to the committee, and herewith presented. As this contains a summary statement of Mr. Beaumarchais's account, and a copy of his receipt already mentioned, the following extract is deemed necessary to be given:

The balance reported by the Auditor in favor of Mr. Beaumarchais, was, 1st January, 1791, for principal, - - - - *Livres*				771,703	15	7
And for interest	1,508,528	2	1			
From which deducting the deductions made by the Comptroller, those which relate to the million only excepted, viz:	79,965	12	5	104,522	19	9
Would leave for the balance on 1st of January, 1791, principal				667,250	15	10
And interest -	1,428,592	9	8			
To which adding for interest on the principal, 1st of January, 1791, to 3d of February, 1806	604,186	14	6	2,032,749	4	2
				2,700,000	0	0

Would make an aggregate of 2,700,000 livres, equal to five hundred thousand dollars.

"In a contract concluded on the 25th February, 1783, between His Most Christian Majesty and the United States of North America, signed by Count Vergennes and Benjamin Franklin, which may be found in the appendix to the 12th volume of the printed Journals of the old Congress, it was thought proper to recapitulate the amount of the preceding aids granted by the King to the United States, and to distinguish them according to their different classes, and, after stating the several loans obtained from or guarantied by France, the class was designated in the following words:

"In the third class, are comprehended the aids and subsidies furnished to the Congress of the United States, under the title of gratuitous assistance, from the pure generosity of the King; three millions of which were granted before the Treaty of February, 1778, and six millions in 1781; which aids and subsidies, amount, in the whole, to nine million livres tournois. His Majesty hereby confirms, in case of need, the gratuitous gift to the Congress of the said thirteen United States."

"It was afterward discovered that only two millions had been thus received by the United States, before the Treaty of February, 1778; and, to an application made to Count Vergennes, in 1786, for the purpose of ascertaining when, and to whom, the other million had been paid, an answer had been returned, that the said million was paid on the 10th day of June, 1776, (a date prior to the arrival of any of the Commissioners of the United States in France;) but a copy of the receipt was refused, and the Minister did not think proper to disclose the name of the person who had received the money. On a subsequent application, made in 1794, to the French Government, the Minister of Exterior Relations gave it as the result of his inquiries, that Mr. Beaumarchais was the person to whom the said million had been advanced, and accordingly furnished the Minister of the United States with a copy of Mr. Beaumarchais's receipt for that sum, and in the following words: 'I have received from Monsieur de Vergier, agreeably to the orders transmitted to him, of Monsieur the Count de Vergennes, dated the 5th current, the sum of one million, for which I will account to my said Sieur de Vergennes. At Paris, this 10th June, 1776. (Signed,) Caron de Beaumarchais. Good for one million of livres tournois.'

"No doubt remains, that the advance of one million made by the French Government, on the 10th of June, 1776, for the use of the United States, and the payment of one million on the same day by order of the Minister of Foreign Affairs to Mr. Beaumarchais, were but one and the same transaction; for it appears by the letter of the Minister of Finance, a copy of which is annexed to the document (C,) that no other payment was made by the Royal Treasury to the United States, during the year 1776; and, by the French Minister's note, (D,) that Mr. Beaumarchais's receipt, and the settlement of his account, together with the correspondence above-mentioned with Count Vergennes on that subject, were found in the same file of papers, (*dossieur*,) and that that file was entitled 'United States.' The million being thus identified, and having, by a solemn contract, been declared and acknowledged a gratuitous gift of France to the United States, has been considered as justly chargeable by them to Mr. Beaumarchais, who had received it."

To these copious details, it would seem almost superfluous to add a single remark, further than to refer the House to the numerous documents accompanying this report. It may not, however, be improper to observe, that two points only present themselves for examination. Did Mr. Beaumarchais, on the 10th of June, 1776, receive from the French Government one million of livres in behalf of the account of the United States? If so, has he, or his representative, at any time, accounted with the United States for its expenditure?

The affirmative of the first question is irresistibly proved, not only by the evidence already referred to, but even by the admission of the petitioner's agent; notwithstanding the allegation in the petition, that no proof existed of any such fact.

In the second place, it is not pretended that any account of the expenditure has been rendered in form to the United States. But to silence all claim on their part, it is averred that the money was received for a secret political purpose, (acknowledged to be beneficial to the United States,) and that the French Government was and still is satisfied that the whole sum was duly applied to the object.

Admitting an agent or trustee might thus acquit himself of the accountability to the party alone interested in his operations, a supposition directly opposed to the clearest and best established rules of justice as applicable to individuals, still what is the evidence that a regular account of the disposition of this sum has ever been given even to the Government of France? Was the receipt either taken up or cancelled by Mr. Beaumarchais? or did he procure from the proper organ of the Government a release, or any other document, purporting his discharge from the liability created by the original instrument? Is it to be believed "the forms used in France" require, that in such cases, "all the vouchers in support of the account, as soon as the competent authority has approved the expense, are destroyed," while the original receipt for the money is carefully preserved? and that a secret agent, when once made accountable, can never afterward be discharged?

The declarations of Count de Vergennes, on which so much reliance is placed, are rather enigmatical than otherwise. Nor do the declarations of the Minister, in his note of the 1st of January last, afford a satisfactory solution of the question; especially when to these declarations is opposed the undisguised disclosure of the responsibility of Mr. Beaumarchais to the United States, which was made in form by the French Government in 1794.

That the services rendered by Mr. Beaumarchais to the United States during their Revolution were highly meritorious, is readily admitted. Whether these services entitle the petitioner to the bounty of Congress, is not now submitted to the consideration of the committee. They are restricted to the inquiry whether she has a rightful demand upon their justice; and, from every view they have been enabled to take of the subject, the claim does not appear to them to rest upon a solid basis.

Your committee are of opinion that the petitioner have leave to withdraw her petition.

D.

WASHINGTON CITY, *January* 1, 1806.

The undersigned, Minister Plenipotentiary of His Imperial and Royal Majesty, has received from Mr. Chevallié, agent of the heirs of Beaumarchais, a copy of a petition which he has presented to the honorable Congress of the United States, on the subject of the settlement of the account of supplies furnished by the late Mr. de Beaumarchais to the said States, by which it appears that the accounting officers have debited the late Mr. de Beaumarchais with a million, supposed to have been received by him from the Government of France on account of the said supplies.

In consequence of the report made by Mr. Pichon, of the steps he had, by the directions of his Government, taken in favor of the heirs of Beaumarchais, and on the representation of that family, on the subject of the said million, which was still charged to them, notwithstanding the constant denials made by Mr. de Beaumarchais of his having ever received anything from the Government of France, the Minister of Exterior Relations ordered that the most exact researches should be made in the records of his department, in order to obtain some elucidations respecting the above-mentioned million, to enlighten his judgment, and to determine how far Government ought to interest itself in that transaction, and in favor of the Beaumarchais family. It has resulted, that in a file entitled "United States," a receipt of Mr. Beaumarchais has been found, under the date of the 10th of June, 1776, (for a million*) which was given to him, by orders of the King, "for an object of secret political service, of which he reserved the knowledge to himself," (these are the identical words inserted in the said order;) also the account rendered in the same year by Mr. de Vergennes to His Majesty, of the application of that sum in conformity with his intentions; and also several letters, proving that the same Minister, solicited by the commissioners and agents of the United States to give some elucidations on the object to which the said million had been applied, and on the name of the person who had received it, had uniformly refused it; and when giving a new order to refuse it, had even caused it to be declared, in 1786, that it would be inconvenient to grant the requested communication.

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* These words omitted in the original.

In consequence thereof, the undersigned Minister Plenipotentiary has been authorized:

1st. To renew the declarations made since 1778, to the Commissioners of the United States, and in 1779 by his predecessor, Mr. Gerard, to Congress, that the French Government* had ever been unconnected with any of the commercial transactions of Mr. de Beaumarchais with the United States. 2d. And to declare that the million given the 10th of June, 1776, was given for an object of secret political service, of which the King had reserved the knowledge to himself; that it was immediately applied in conformity with his intentions, and the said application approved by him, as appears by the account, rendered by Mr. de Vergennes, at the end of the year 1776; that it does not, therefore, appear either just or reasonable to confound that political object with the commercial operations of the same individual with Congress; and, consequently, that no induction can be drawn against the said Beaumarchais, as a personal creditor of the United States, for supplies furnished by him to them, from the voucher communicated by the ex-Commissary of External Relations, Buchot, to the American Minister, since it so evidently appears that the million in question had a secret destination.

The undersigned Minister Plenipotentiary will observe, that by the forms used in France, in every secret operation, all the vouchers in support of the account are destroyed as soon as the competent authority has approved the expense; that the knowledge of the object, to which the sums thus disbursed has been applied, remains only in the memory of the authority who gave the order, and of those who concurred in its execution; and that it cannot reasonably be supposed that Mr. de Vergennes should, even so late as 1786, have persisted in covering with the veil of mystery the application of the million in question, had it been given on account of the supplies furnished by Mr. de Beaumarchais.

The Minister Plenipotentiary, in consequence of the preceding declarations and observations, recommends, in the name of his Government, to the justice and honor of the United States, the heirs of a man, who, having risked his whole fortune in their service, has left no other resource to pay his creditors, no other estate to his family, but the debt of the United States, to whom his zeal and activity were so essentially useful during the war which secured their liberty, and gave them a rank amongst nations, that the former Congress gave him, several times, assurances of their satisfaction in the most honorable terms.

The Minister Plenipotentiary, in addressing the preceding declaration and details to the Secretary of the Treasury, in order that they may accompany his report to Congress, requests him to accept the assurances of his high consideration.

TURREAU.

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* Est resté constamment étranger à toutes les transactions.

TREASURY DEPARTMENT, *Jan.* 27, 1806.

SIR: I have the honor to enclose several documents respecting the late Mr. Beaumarchais' claim.

The Treasury settlement (marked A) shows the principles on which the account, which is for arms, military stores, and other supplies, furnished at the commencement of the Revolutionary war, has been adjusted; and exhibits a balance due to Mr. Beaumarchais' estate of $41,119 75, with interest from the first day of January, 1791, which balance has been included in the annual estimates of the appropriations necessary for the service of the year 1806.

For the grounds of the Comptroller's decision on three of the points complained of by the petitioner, viz: the commission, rate of exchange, and charge for sale of cordage at the Cape, I beg leave to refer to the Comptroller's letter, (marked B,) and to the documents accompanying the same.

The letter of the Secretary of the Treasury to the Secretary of State, (marked C.) together with the documents thereunto annexed, and the French Minister's note of the first instant, (marked D,) relate to the million of livres charged to Mr. Beaumarchais as an advance made to him by the French Government on account of the United States.

Should Congress be of opinion that he ought not to be charged with that sum, but that the account has, in other respects, been settled on proper principles, the balance due would be as follows, viz:

The balance reported by the Auditor in favor of Mr. Beaumarchais was, on the 1st January, 1791, for principal, *Livres*, 771,703, 15 7

	Livres.						
And for interest	1,508,528	2	1				
From which deducting the deductions made by the Comptroller, those which relate to the million only excepted, viz:	79,965	12	5	&	104,552	19	9
Would leave for the balance, on 1st of January, 1791, principal					667,250	15	10
And for interest	1,428,562	9	8				
To which adding for interest on the principal from 1st January, 1791, to 3d February, 1806 - -	604,186	14	6				
					2,032,749	4	2
					2,700,000	0	0

Would make an aggregate of 2,700,000 livres, equal to five hundred thousand dollars.

In a contract concluded on the 25th of February, 1783, between His Most Christian Majesty and the United States of North America, signed by Count Vergennes and Benjamin Franklin, which may be found in the appendix to the 12th volume of the printed journals of the old Congress, it was thought proper to recapitulate the amount of the preceding aids granted by the King to the United States, and to distinguish them according to their different classes, and, after stating the several loans obtained from or guarantied by France, the last class was designated in the following words: "In the third class are comprehended the aids and subsidies furnished to the Congress of the United States, under the title of gratuitous assistance, from the pure generosity of the King; three millions of which were granted before the treaty of February, 1778, and six millions in 1781, which aids and subsidies amount, in the whole, to nine millions livres tournois. His Majesty hereby confirms, in case of need, the gratuitous gift to the Congress of the said thirteen United States."

It was afterwards discovered that only two millions had been thus received by the United States before the treaty of February, 1778; and, to an application made to Count Vergennes, in 1786, for the purpose of ascertaining when, and to whom, the other million had been paid, an answer was returned that the said million was paid on the 10th day of June, 1776, (a date prior to the arrival of any of the commissioners of the United States in France,) but a copy of the receipt was refused, and the Minister did not think proper to disclose the name of the person who had received the money. On a subsequent application made in 1794, to the French Government, the Minister of Exterior Relations gave it, as the result of his inquiries, that Mr. Beaumarchais was the person to whom the said million had been advanced, and accordingly furnished the Minister of the United States with a copy of Mr. Beaumarchais, receipt for that sum, in the following words; "I have received from Monsieur de Vergier, agreeably to the orders transmitted to him, of Monsieur the Count de Vergennes, dated the 5th current, the sum of one million, for which I will account to my said Sieur Count de Vergennes. At Paris, this 10th June, 1776. Signed, Caron de Beaumarchais. Good for one million of livres tournois."

No doubt remains that the advance of one million made by the French Government on the 10th June, 1776, for the use of the United States, and the payment of one million, on the same day, by order of the Minister of Foreign Affairs to Mr. Beaumarchais, were but one and the same transaction: for it appears by the letter of the Minister of Finance, a copy of which is annexed to the document C, that no other payment was made by the Royal Treasury to the United States during the year 1776; and by the French Minister's note D, that Mr. Beaumarchais' receipt and the settlement of his account, together with the correspondence abovementioned with Count de Vergennes on that subject, were found in the same file of papers, (*dossier*,) and that that file was entitled "*United States.*" The million being thus identified, and having, by a solemn contract, been declared and acknowledged a gratuitous gift of France to the United States, has been considered as justly chargeable by them to Mr. Beaumarchais, who had received it.

It is urged, in behalf of the claimant, that it is highly improbable that the million should have been advanced on account of the supplies to be furnished by Mr. Beaumarchais. 1st, Because it was as early as 1778, and has uniformly since been declared by the French Government that they had no concern whatever in his commercial transactions with the United States. 2d, Because it is now in proof that the money was advanced for secret services of a political nature.

That argument could not, by the officers of the Treasury, be taken into consideration, because they were bound to require positive proof of the application of the money, in order to credit Mr. Beaumarchais for the expenditure.

But without wishing to diminish the weight which it may have with Congress, it must be observed, that the declaration of the French Government should be taken in its strictly literal sense, and as I understand it, excludes only a supposition that they had any concern in the commercial risks, profits, or losses of Mr. Beaumarchais. That it was not intended to convey the idea that they had not made to him sales or advances on account of his supplies, may be inferred from the fact, that the artillery and a considerable part of the military stores were taken from the King's stores and arsenals. Nor would it be extraordinary that advances made in 1776, in order to enable an individual to furnish warlike supplies to the United States, should have been considered by the French Government as an expense for a *secret political service.*

It is further objected that Mr. Beaumarchais having fairly accounted to his own Government, and to their satisfaction, for the application of that million, must be considered as discharged from any accountability to the United States.

It is evident that if he was rightfully charged by the United States for that sum, it is to them, and not to the French Government, that he is accountable. The solemn declaration that that million was a gratuitous gift to the United States, seems inconsistent with the supposition that it was not applied as an aid and subsidy, but given without their consent and knowledge to an individual, responsible for its application, not to the Government who had received, but to that who gave the subsidy. And that answer, so far as relates to the French Government, appears conclusive. The only question which, in the view I have taken of the subject, seems to admit of a doubt, is, whether, as the declaration made in the contract of 1783 between the two Governments is the foundation of the claim of the United States, Mr. Beaumarchais can legally be made responsible for the effect of an instrument subsequent by several years to the delivery of the supplies, to which he was not a party, and of which he does not appear to have had any notice.

Although Mr. Beaumarchais' account was not definitively settled by the Comptroller till 1805, the Auditor's report was made as early as 1793. The charge of one million is the only point relative to it which has come under my notice; and the documents herein enclosed contain all the evidence on that subject in this Department. His own declarations on that point may be seen in a memorial, dated Hamburg, April 10, 1795, written in the French language, and deposited in the Treasury, but which, as it seems to have been rather intended for Congress, is also enclosed. Should the committee think proper to investigate the merits of the original claim, with which I am unacquainted, the invoices, correspondence, and documents, which are voluminous, will be transmitted.

I have the honor to be, very respectfully, sir, your obedient servant,

ALBERT GALLATIN.

Hon. J. C. Smith, *Chairman*, &c.

[Communicated to Congress, February 6, 1807.]

To the Senate and House of Representatives of the United States:

The Government of France having examined into the claim of Mr. de Beaumarchais against the United States, and considering it as just and legal, has instructed its Minister here to make representations on the subject to the Government of the United States. I now lay his memoir thereon before the Legislature, the only authority competent to a final decision on the same.

TH. JEFFERSON.

February 6, 1805.

Washington, *January* 14, 1807.

Sir: I have the honor to address to you, enclosed, an answer to the objection made by the Secretary of the Treasury to a complete settlement with the heirs of Mr. Beaumarchais. This answer is annexed to the note which I have had the honor to address to you on this subject.

Accept, sir, a new assurance of my high consideration. TURREAU.

To Mr. Madison.

Note of the Minister Plenipotentiary of France to the Secretary of State.

Washington, *January* 14, 1807.

The undersigned, Minister Plenipotentiary of His Imperial and Royal Majesty to His Excellency the President of the United States of America, has the honor to remind the Secretary of State, that, at the beginning of last year, and during the session of Congress, Mr. Chevallié, attorney in fact of the heirs of Mr. de Beaumarchais, took various steps with the Secretary of the Treasury to obtain a liquidation of the debt contracted by the United States with the said Mr. de Beaumarchais.

At the request of the attorney in fact, to whom the Treasury opposed a receipt of Mr. de Beaumarchais, in order to place to the debt of his heirs a million of *livres tournois*, the undersigned addressed, on the 1st of January, 1806, to the Secretary of the Treasury, an official note, which left no doubt of the destination of the million in dispute, the employment of which, agreeably to the orders of the King, was consecrated to a special and secret service, and, consequently, which had not and could not have any connexion with the transactions, bargains, and supplies, and, generally, with any mercantile operations which Mr. de Beaumarchais might have been concerned in with the Government of the United States of America.

This note, or rather this official declaration of the Minister Plenipotentiary of France, ought to have removed the only obstacle which was opposed to the entire liquidation with the heirs of Mr. de Beaumarchais, because the justice of their claim is demonstrated to conviction; and they were far from expecting that the Secretary of the Treasury would still retain doubts upon the legitimacy of their credit.

The heirs of Mr. de Beaumarchais now confide their interests to the protection of the French Government, as well as to the justice of the Federal Government; and the undersigned, in declaring to the Secretary of State, that this affair, on being examined in France with the most scrupulous attention, has presented to the judgment of the most enlightened and impartial men nothing but an incontestable conclusion in favor of the heirs of Mr. de Beaumarchais, will add, that it is no longer to Mr. Chevallié, it is no longer to a mere attorney in fact, that the said heirs have recourse to obtain a justice too long refused, but to the French Government itself, which calls with confidence, and through the organ of its Minister Plenipotentiary, the attention of the Secretary of State to interests no less sacred than the cause which produced them.

When the French Government raises its voice in favor of the unfortunate heirs of Mr. de Beaumarchais, the undersigned thinks it useless to recall to view the nature and importance of the services which their author rendered to the cause of independence. It would be to turn the mind back towards a period equally glorious for the two nations, but that France, always generous, knows how to forget, because the United States remember it.

After the ministerial declaration respecting the employment of the million, a declaration which, doubtless, and as a consequence of those mutual sentiments of respect and confidence which Governments ought to have for communications of this nature, would have been sufficient for the Secretary of the Treasury, if his powers had not been so limited; it is the duty of the undersigned, agreeably to the formal and repeated instructions which he has received in this respect, to address himself directly, and in the name of his Government, to that of the United States, and to request from the Secretary of State that at length justice should be done to the claim of the heirs of Mr. de Beaumarchais; a claim which the French Government would not have honored with its support, if it were not founded upon the immutable principles of reason and of right.

The undersigned seizes with eagerness this occasion of offering to the Secretary of State the homage of his high consideration.

TURREAU.

Claim of Mr. Beaumarchais to a million, against the United States, as payment for supplies which he furnished them.

Objections of the Treasury of the United States.

Objection. "It was afterwards discovered that nly two millions out of the three granted as a ratuitous gift, before the treaty of February, 778, had been thus received by the United States; nd to an application made to Count de Vergen- es in 1786, for the purpose of ascertaining when nd to whom the other million had been paid, an nswer was returned, that the said million was aid on the 10th day of June, 1776; but a copy of he receipt was refused, and the Minister did not hink proper to disclose the name of the person ho had received the money. On a subsequent pplication made to the French Government, the inister of Foreign Relations gave it as the re- lt of his inquiries, that Mr. de Beaumarchais as the person to whom the said million had een advanced, and accordingly furnished the inister of the United States with a copy of Mr. e Beaumarchais' receipt for that sum.

"No doubt remains that the advance of one illion, made by the French Government, on the th June, 1776, for the use of the United States, d the payment of one million on the same day, order of the Minister of Foreign Affairs to M. eaumarchais, were but one and the same trans- tion."

Answer. Before answering the objections of the reasury of the United States, it is of import- ce correctly to state the question, which forms e subject of the present claim; because, by this eans, all suppositions foreign to it will be oided.

Did M. Beaumarchais receive from the Gov- nment of France a million on account of his pplies to the United States? This is the estion.

The identity of the date given by M. de Ver- nnes, and of the receipt of M. de Beaumarchais, mmunicated by M. Buchot, has until now been cause of a delay of justice on the part of the ited States to the heirs of M. de Beaumarchais, d of the prejudices which the Treasury has con- ved against this claim.

In M. de Beaumarchais, we are to perceive and ognise two characters: one, the secret agent of French Government; and the other, a furnisher supplies to the United States.

As secret agent of the Government of France, received a million on the 10th June, 1776; in same year M. de Vergennes, who had caused o be given to him, and who had imposed upon the obligation of rendering an account to nself for it, presented that account to the King, o approved it, and gave a discharge to Mr. de umarchais. If M. Buchot, in communicating receipt, had intimated, at the same time, that in the same file, and annexed to the receipt itself, were the account rendered to the King and the approbation in the margin signed by the King himself, certainly the Treasury would not have pretended a right to charge to the account of supplies by M. de Beaumarchais a million for which he had accounted, and from which he had been discharged by the authority which had given it to him.

As a furnisher of supplies to the United States, he did not receive the said million, and, consequently, he is a creditor, and will remain a creditor to the United States for this sum, until it is paid to him. Among the nine millions given as a free gift by the King, three were stated by the convention of 1783 as having been before 1778. Of these three the United States had the use of only two; and it is of that which is wanting that they require an account from M. de Beaumarchais.

Although the nine millions in question have been formally acknowledged to have been received by the convention of 25th February, 1783, signed by the American Commissioners, and ratified by Congress; and although this public act discharges M. de Beaumarchais from all accountability, nevertheless, the Government of France, in order to fulfil the claims of justice, as well as the desire of the United States to know what has become of this million, causes its Minister Plenipotentiary to declare:

1st. That the French Government has always remained a stranger to all the mercantile transactions of M. de Beaumarchais with the United States.

2d. That the million given on the 10th of June, 1776, to the said Sieur de Beaumarchais was for a secret political service, of which the King reserved to himself the knowledge.

3d. That the account of the employment of the said million was presented at the close of 1776, to the King, and approved by him.

4th. That M. de Beaumarchais has been discharged from it by His Majesty himself.

5th. And lastly, that the said million was not given on account of his supplies.

This declaration confirms those which have been made on divers occasions by M. de Vergennes and M. Gerard, as well to the American Ministers in France as to Congress, that the French Government has remained a stranger to the mercantile operations of M. de Beaumarchais; and that he became a creditor of the United States at the same time that he became a debtor of the King for the articles which he had permission to take from his arsenals, and which became his own property.

M. de Vergennes, in ordering a refusal to tell to whom the said million was given, and in causing it to be declared, in 1786, that it was inconvenient to tell, proves equally that it was a secret, and that the said million was given on account of the supplies of M. de Beaumarchais. For, to suppose the contrary, would be to think that this Minister wished a million more to be paid by the United States to M. de Beaumarchais than was due to him. This opinion would shock whomsoever that was acquainted with the probity of M. de Vergennes.

Objection. "It is urged, in behalf of the claimant, that it is now in proof that the money was advanced for secret services of a political nature. That argument could not, by the officers of the Treasury, be taken into consideration, because they were bound to require positive proof of the application of the money, in order to credit M. Beaumarchais for the expenditure."

Answer. When the Treasury debited the account of M. de Beaumarchais with the said million, it had not the declaration of the Government of France that the said million had been employed in a political secret service, and had not been given on account of supplies. Now this circumstance is known, it may balance the account. It can be no more disputed that the King, who gave the nine millions, had the power of employing one of them towards the views and to the advantage of the cause which he supported, than his Ministers can be required to disclose the object of the service in which it was employed; because it is a secret which they ought to keep, and which M. de Vergennes declared it inconvenient to communicate even ten years afterwards.

The Secretary of the Treasury is so well persuaded of it, that he says, in his report, it must be observed that the declaration of the French Government should be taken in its strictly literal sense.

After an opinion thus expressed, and which manifests the respect and attention we owe to the declaration of a Government, it is justly believed that he would not have hesitated to strike the balance of M. Beaumarchais' account without comprising in it the said million, if he had not found himself bound by the premature opinion of his predecessors, and by the limitation of his powers.

Objection. "Nor would it be extraordinary that an advance made in 1776, in order to enable an individual to furnish warlike supplies to the United States, should have been considered by the French Government as an expense for a secret political service."

Answer. Did the Government of France keep it as a secret from the United States that it had given permission to M. Beaumarchais to obtain cannon, muskets, &c., from the magazines of the King? No.

Why, therefore, would it have made a secret of this million, if it had been given for the same articles?

Can it be supposed that the King gave a million to pay himself?

It will not be disputed that, at the epoch of the Treaty of 1778, which united the two Powers, there remained no longer any secret about M. de Beaumarchais having, before this time, furnished cannon, muskets, &c., taken from the magazines of the King. The arms of France engraved upon these pieces published the secret.

The Convention of 1783, openly avowed that three millions, gratuitously given by the King, had been given before the Treaty of 1778.

Thus the destination of the million given on the 10th of June, 1776, must be looked upon as very extraordinary, and as a secret; and it cannot, with justice, be debited to M. de Beaumarchais on account of his supplies.

Objection. "It is further objected, that M. de Beaumarchais, having fairly accounted to his own Government, and to their satisfaction, for the application of that million, must be considered as discharged from any accountability to the United States."

Answer. Is it correct to say, that an accountability is not due to a third party not named in the deed or obligation?

If this principle cannot be brought into doubt, M. de Beaumarchais, or rather the Government of France, says, M. de Beaumarchais has received from me a million, for which he is to account to me; he has rendered this account to me, I have approved it, and I have given him a discharge.

The transcript of this receipt will demonstrate to conviction the truth as well as the justice of what has been just advanced.

Copy of the receipt.

"I have received from M. du Vergier, agreeably to the orders which have been given to him by the Count de Vergennes, on the 5th current the sum of a million, of which I will render a account to my said Sieur de Vergennes.

"At Paris, the 10th June, 1776.

"CARON DE BEAUMARCHAIS."

From whom did M. de Beaumarchais receive a million, according to this receipt?

From M. de Vergennes, by the hands of M. du Vergier.

To whom did his own receipt, and the will o him who gave him the million, impose upon him the obligation of accounting?

To M. de Vergennes.

Who received this account?

M. De Vergennes.

Who approved of the account, and gave M. d Beaumarchais a discharge?

The King himself, who gave the said million and who ordered the destination of it.

The candor and the justice of the Secretary o the Treasury equally oppose, after this expositio of the said receipt, the demand of an account o the said million from M. de Beaumarchais; fo if even the account had not been rendered to th Government of France, no power, no person, un less he was delegated to its rights by a speci power, could demand it; for M. de Beaumarchai by his billet, is made a debtor of the Governme of France; and, if it had been otherwise, he mig as well have been the debtor of any other Powe or any other person, as of the United States.

If M. De Beaumarchais were paid by the Unite States, does the Secretary of the Treasury thin that, possessed of his original receipt, he cou prosecute him before any court of justice, a hope to recover the amount contained in the sa receipt?

If his opinion should be in the affirmative, what risk would the United States run in paying the Beaumarchais family? because they would be certain of recovering what they paid.

To start a doubt, and yet draw from this doubt a conclusion in your favor, is contrary to justice; and, by removing the doubt, we remove the consequences.

M. de Beaumarchais, by his obligation, is accountable only to the Government of France. The above observations prove it to a demonstration.

Objection. "It is evident that, if he was rightfully charged by the United States for that sum, it is to them, and not to the French Government, that he is accountable. The solemn declaration that the million was a gratuitous gift to the United States, seems inconsistent with the supposition that it was not applied as an aid and subsidy, out given without their knowledge to an individual, responsible for its application, not to the Government who had received, but to that who gave, he subsidy."

Answer. He has rendered this account, the King as approved it, and he has been discharged from t. The million was given for a political secret ervice. Why would not the Secretary of the Treasury wish to look upon the destination of the King given to that one of the nine millions which is issing *as an aid and subsidy*, because this des- ination (which is a secret, and will always re- ain one) can have no other object than to favor he views and to assure the advantages to the nited States, and may be denominated *aid and ubsidy*?

The present Government of France has made ll possible research, in order to enlighten its equi- and its justice in an affair which interests a mily, whose head employed all the fortune hich he ought to have left it to the support of e American cause; and it is, after the most in- mate conviction that this sum is due to M. de eaumarchais, that it has charged its Minister enipotentiary to declare anew, that the million ven on the 10th June, 1776, to M. de Beaumar- ais was employed in a secret service; that an count of it has been rendered to the King, and pproved by him; and that it was not given on count of supplies furnished by the said Beau- archais to the United States.

TURREAU.

WASHINGTON, *January* 14, 1807.

PATENT OF OLIVER EVANS.

[Communicated to Congress, December 13, 1805.]

the honorable the Senate and House of Represent- atives of the United States, the petition of your petitioner respectfully showeth:

That your petitioner invented many useful im- ovements on the art of manufacturing of flour d meal, for which he obtained a patent dated January, 1791, which expired on the 7th Janu- last.

That your petitioner has experienced great and unforeseen difficulties in the introduction of his said improvements, the millers being unwilling to risk the expense until fully convinced of their utility by seeing them long and successfully used by others; and many delayed until your petitioner's patent has expired, although the improvements were proved to be of great utility by all who have used them. Also, the whole extent of country which your petitioner and his agent have been obliged to traverse, to make known his inventions, direct their erection, and make collections, has consumed the greatest part of the sums he has been able to collect; whereby the patriotic intention of Congress, in passing the patent law wherein they contemplated that the inventor of a useful improvement should be well rewarded, has in this case been completely frustrated; so far that your petitioner can, with safety, say that he has already expended more than the net profits arising from his invention, in bringing forward another and far more useful discovery and improvement on steam engines, the principles of which are extremely abstruse and difficult to investigate, and has been very expensive in the experiments necessary to put them in practice or operation, so as to be applied as a substitute for waterfalls in all cases where power may be wanted to move machinery, from the power of one man to that of one hundred horses. Also to a great variety of purposes to which the engines heretofore known could not be applied with profit; even to propel boats against the current of the Mississippi and carriages on turnpike roads; because his engines are from five to ten times more powerful than others, in proportion to their size and weight. But large sums are still necessary to be expended to bring into general use this invention, as it will meet with similar difficulties and delays, unless your petitioner be enabled to supply it himself to several of the purposes for which it is so well adapted. And also to compose and publish a new and expensive work explaining the principles and construction of his said improved engine, by many expensive engravings, without which this, as well as others which he will mention, can progress but extremely slow.

Your petitioner, long since, found it prudent to restrain his strong propensity for making improvements, and to confine them to such arts only as he was immediately engaged in; and to make it a rule that no more than the profits arising from the inventions he had already made should be applied to defray the expense of new ones.

During the American Revolution, he engaged in making wire, also wool and cotton cards. His improvements in those arts were profitable to him for a short time. When he commenced the manufacturing of flour in the year 1784, he was led to make his improvements on that art; he then and at that time conceived the principles by which he has now improved the steam engine, but waited until the profits arising from his other improvements on the manufacture of flour should be sufficient to defray the expense of experiments to make the improvements on steam engines, which, after being suppressed for seventeen years, and running the risk of being totally lost, he commenced in the year 1801, and, at the expense of $3,700, including his own time, at last reduced to practice.

Your petitioner finds his knowledge on this subject so much enlarged, that he has conceived still greater improvements on steam engines and other arts intimately connected, which he has not yet put in practice; that is, to cause steam engines to last much longer, increase their power, fit them for peculiar purposes, and lessen their consumption of fuel to about one-fourth; drawings and written explanations of which he prepared and presented for the inspection of your honors last session, and which he deposited in the Patent Office; choosing rather to communicate his discoveries than suffer them to be lost. He does not hesitate to declare his sanguine expectations are, that when all these improvements, in addition to those he has already made, are put in operation and generally used, that they will, in this country, daily save the labor of one hundred thousand men. Under such impressions as these, he cannot willingly relinquish the pursuit of the means of bringing them into operation, without injury to himself, while there remains a gleam of hope.

Your petitioner conceives that the profits that would arise from the exclusive right of his own inventions for another term, would enable him to apply—

1. For the introduction of his steam engine - - - - - -	$3,000 00
2. For defraying the expense of experiments to put in operation his new principle to the further improvement of steam engines and other arts -	3,000 00
3. For composing and publishing a new work, to be entitled the *Young Steam Engineer's Guide*, with many engravings, explaining the principles of his various inventions - - -	3,000 00
Making, in all, which he wishes to expend for those useful purposes - -	$9,000 00

Your petitioner, not doubting but that your honorable bodies will be disposed to protect him in the enjoyment of his own inventions, so long as it may appear likely to be the means of bringing into use more useful improvements, the great expense of which must be defrayed from some source, he has therefore made the above statement, and prays for an extension of his patent for his improvements on the art of manufacturing flour and meal for such term as you, in your wisdom, may deem best; but securing to those who have already purchased the privilege of him their right of using the said improvements. This would enable your petitioner to collect the sums with greater facility already due him for the use of said improvements, which will not otherwise be worth the expense of collecting, being scattered over the United States, and which, added to what might become due, might be sufficient for his intended purposes. And your petitioner, on his part, promises faithfully to exert his abilities to bring to perfection and into use his said improvements, and to compose and publish his intended new work, as he may be enabled so to do.

OLIVER EVANS.

DISPUTED BOUNDARY OF GEORGIA AND NORTH CAROLINA.

[Communicated to the House, February 12, 1806.]

Mr. SPALDING made the following report: The committee to whom was referred the memorial of the Legislature of the State of Georgia, respecting disputed limits between that State and the State of North Carolina, having taken into consideration the matter of the said memorial, as wel
as such information as the documents attached t
the memorial, and formet reports made to thi
House, afford, beg leave to submit the followin
report:

Between the latitude of thirty-five degrees nort
which is the southern boundary claimed by Nort
Carolina, and the northern boundary of Georgi
as settled by a convention between that State an
South Carolina, intervenes a tract of country su
posed to be about twelve miles wide from nort
to south, and extending in length from the wes
ern boundary of Georgia, at Nicajack creek, o
the Tennessee, to her northeastern limits on t
Tugelo. This tract was, consequently, withi
the limits of South Carolina; and in the ye
1787 it was ceded to the United States, who a
cepted the cession. This territory remained
possession of the United States until 1802, whe
it was ceded to the State of Georgia. From t
most correct information relative to the said te
ritory, it appears that it is inhabited by abo
eight hundred souls; and to adopt the words o
former report, it is not shown at what period th
made the settlement, nor had they any title to t
land on which they settled and made impro
ments. No such title, indeed, could have be
created, as those lands remained within the bou
dary of the Cherokees until the year 1798, wh
a part of this territory was purchased by a tre
held at Tellico. It does not appear that the li
that bound the tract of land in question, and div
it from Carolina, have ever been established
public authority.

After the transfer of this territory by the U
ted States to Georgia, the Legislature of that St
in compliance with the request of those self-g
erned people, praying that they might be allo
to participate in the civil rights enjoyed in c
mon by the people of the United States, pas
an act in the year 1803, to organize the inhab
part of the territory, and to form it into a coun
authorizing, at the same time, the Governor
appoint commissioners to meet such commiss
ers as should be appointed by the Governmen
North Carolina, to ascertain and plainly mark
line dividing the territory from North Carol
The Governor of North Carolina expresse
readiness to accede to the proposition, under

provisions of a former act of the Legislature of that State, but clogged with a condition which the Legislature of North Carolina refused to depart from, and which the Legislature of Georgia refused to accede to. Her reason may be found in a letter from General Pickens, of the State of South Carolina, attached to a report made to this House respecting that territory while the property of the United States. The letter states, that before the people now inhabiting that territory settled on the land, it was surveyed, and grants obtained for most part of it from the State of North Carolina, and probably by men who cared little whether the land was within the Indian claim or the limits of South Carolina. Your committee conceive that they have no right to enter into the feelings of either of the parties, or to pronounce upon the justice of the condition made by North Carolina on the one part, or its rejection by Georgia on the other; and have, therefore, confined their attention to that part of the memorial which calls upon Congress to define and mark out the thirty-fifth degree of latitude, the line which North Carolina admits to bound her State upon the south, and north of which Georgia can have no claim of territory. Your committee, after giving to this point the most deliberate consideration, are of opinion that the United States are bound in good faith to use their friendly offices with the State of North Carolina for obtaining an amicable adjustment of the limits of the territory which they have transferred to Georgia, in all parts where such limits may be disputed. Your committee, therefore, beg leave to offer the following resolution:

Resolved, That the President of the United States be authorized to appoint a commissioner to meet such commissioners as may be appointed by the States of North Carolina and Georgia, for the purpose of ascertaining and running the line which divides the territory transferred by the United States to Georgia, from North Carolina.

IN THE HOUSE OF REPS.,
Friday, Nov. 29, 1805.

The Memorial of the Legislature of the State of Georgia to the Congress of the United States, respectfully showeth:

That, by the second article of the articles of agreement and cession, entered into the twenty-fourth day of April, one thousand eight hundred and two, between the commissioners appointed on the part of the United States and the commissioners appointed on the part of the State of Georgia, the United States ceded to the State of Georgia whatever claims, right, or title they had to the jurisdiction or soil of any of the lands lying within the United States, and out of the proper boundaries of any other States, and situated south of the southern boundaries of the States of Tennessee, North and South Carolina, and east of the eastern boundary of the territory ceded by Georgia to the United States, in the first article of the said articles of agreement and cession; which territory so ceded was accepted by the State of Georgia on the sixteenth day of June, one thousand eight hundred and two. From the most correct information which has been collected relative to the said territory, it appears that it is inhabited by about eight hundred souls, over whom the State of North Carolina had never claimed or exercised jurisdiction, had never demanded or received contributions from them, nor extended the protecting arm of Government to them. The State of Georgia, solicitous to afford that protection and security which is due from the Government to its citizens, in compliance with the humble and earnest request of those self-governed people, praying that they might be admitted to participate in the natural and civil rights enjoyed by the rest of their fellow-citizens, on the tenth of December, one thousand eight hundred and three, passed an act to organize the inhabited parts of the said territory, and formed it into a county, by the name of Walton; and by the said act authorized the appointment of commissioners to meet any commissioners who might be appointed by North Carolina, to ascertain and plainly mark the line dividing the two States westward of the western boundary of the State of South Carolina, the eastern boundary of Tennessee. This act was transmitted by the Governor of Georgia to the Governor of North Carolina, with assurances of his readiness to appoint the said commissioners. The Governor of North Carolina, under the provisions of an act of the Legislature of that State, passed the seventh of December, one thousand eight hundred and three, for appointing commissioners to extend the boundary line of the said State and South Carolina, expressed a readiness to appoint commissioners to act in conjunction with those who should be appointed on the part of Georgia, provided the running of the line should not affect the titles of those who held land in the said territory under the grants of the said State. To this provision the Governor of Georgia could not accede and the ascertaining and running the line was necessarily postponed until legislative interference should remove the difficulty. After the failure of the aforesaid application, the Governor of Georgia proceeded to organize the county of Walton, and to extend the fostering hand of Government to the inhabitants thereof. At this crisis an attempt was made by a few turbulent persons to prevent the operation of the laws of Georgia in that territory, alleging that the jurisdiction of North Carolina extended over the greater part thereof; but the county was so far organized, that an election was holden for representatives, who took their seats in the last Legislature of this State. To obviate all existing differences between the two States, the Legislature of Georgia, during their last annual session, on the tenth of December, one thousand eight hundred and four, passed a second act for the appointment of commissioners to co-operate with those who might be appointed by North Carolina, the Legislature whereof also passed an act, at their last annual session, to extend the provisions of their act of one thousand eight hundred and three, so far as to include Georgia as well as South Carolina, but clogged with the same provision as to the legality of their grants. These two last-mentioned acts have been respectively transmitted by the Executive of each State to that of the other, and explanations have been reciprocally made, the result of which was a declaration on the part of the Governor of North Carolina, that although that State did not claim jurisdiction over the territory acquired by Georgia from the United States, yet she would not permit the line to be run, or the State of Georgia to exercise jurisdiction over the said territory and citizens, unless the grants of the description aforesaid should be previously acknowledged to be valid by the State of Georgia. This provision was by the Governor of Georgia held inadmissible, and no commissioners have been appointed. During the last recess of the Legislatures of the two States, a number of disorderly and lawless persons, acting, or pretending to act, under the authority of North Carolina, have invaded the rights of the good citizens of Walton county, and committed the most cruel outrages against their persons and property, have dragged a number of them from their peaceful habitations, and lodged them in the public jails of that State; and, by their violence and oppression, have compelled the wretched inhabitants of that territory to abandon their habitations, and fly from their oppressors, across the mountains, into the State of South Carolina, and the western counties of Georgia. Such is the dispersed situation of the inhabitants, and so complete is the state of disorganization which prevails in Walton county, that it is at this moment unrepresented in the Legislature of the State.

In rejecting the provision contained in the act of North Carolina, the Legislature of Georgia conceive that they have consulted the true interest of the citizens of and residents in that territory, a very small number of whom, if any, hold land under the State of North Carolina. To accede to the proposition of North Carolina would be improvident and unjust; improvident, because the State of Georgia has paid a valuable consideration for every acre of land in that territory; unjust, because the Legislature of Georgia are informed that large grants have issued to speculators and monopolizers, not only for the most part of that territory the Indian title to which is extinguished, but for a great part of that which is now the property of the aborigines.

The Legislature of Georgia, through every successive stage of these fruitless transactions, have felt with deep concern and tender solicitude for the situation of their unfortunate fellow-citizens, and made every effort in their power, by direct applications to the State of North Carolina, to remove every obstacle to their peace and welfare. These applications have failed to produce the desired effect. It is with sincere regret that the Legislature of Georgia feels itself constrained to approach the representatives of the nation, and apply to the justice of the Supreme Legislature of the Union.

The Legislature of Georgia are impressed with the most solemn conviction that this application to the National Government is the only mode which is now left them to pursue, and the only source from which they can expect a termination of the contest between the two States; they therefore entreat the Congress of the United States to interpose, and cause the thirty-fifth degree of north latitude to be ascertained, and the line between the two States to be plainly marked. This will completely terminate the question of jurisdiction between the two States, as North Carolina never contended that her jurisdiction or limits extended south of the thirty-fifth degree of north latitude, and Georgia has never claimed jurisdiction north of that line.

ABRAHAM JACKSON,
Speaker of the House.

IN THE HOUSE OF REPS.,
Friday, Nov. 29, 1805.

Resolved, That his Excellency the Governor be, and he is hereby, requested to transmit the foregoing memorial, together with the correspondence which has taken place upon the subject between the Executive of this State and the Executive of the State of North Carolina, to the Congress of the United States, with copies of the several laws passed by this State appertaining thereto.

Copy of a letter to His Excellency James Turner.

EXECUTIVE DEPARTMENT,
Louisville, Ga., Dec. 15, 1803.

SIR: I have the honor to transmit your Excellency an extract of a law passed by the Legislature of this State on the 10th instant.

You will find it expressive of a wish, on the part of this Government, to have the dividing line between your State and the State of South Carolina extended north of the Blue Ridge—Georgia having acquired the territory which was ceded by South Carolina to the General Government, situated south of the southern boundaries of North Carolina and Tennessee.

Within that tract of country are found many settlers, and it is necessary that government should be extended over them. I have to request you, therefore, to lay the extract of the law before the Legislature of your State, in order that a co-operation of measures may be had in fixing the line of demarcation between our States. On being apprized of the steps taken by North Carolina on the subject, I shall appoint commissioners, and attend to such arrangements as may be necessary for carrying the object wished for into effect.

With high consideration and respect, I have the honor to be your Excellency's most obedient servant,
JOHN MILLEDGE.

Copy of a letter to His Excellency James Turner.

RALEIGH, *February* 25, 1804.

SIR: Your Excellency's letter of the 15th of December last, with its enclosure, has been duly received, but not until after the Legislature of this State had risen. The enclosed authenticated copy of an act of the General Assembly of North Carolina was passed to meet the wishes of the State of South Carolina respecting boundary, and to settle a dispute on that subject that has subsisted for many years.

As a provision is made in that act for extending the line between North and South Carolina, until the same shall intersect the eastern line of the State of Tennessee, (the Legislature not adverting, it is presumed, to the circumstance of the western parts of South Carolina having become a part of Georgia,) I am of opinion that the commissioners on behalf of this State, after having extended the line between this State and South Carolina, with commissioners appointed by that State, to the western extremity thereof, will have the right, under the law, to extend, with commissioners appointed by your Excellency, the same from thence to the eastern boundary of the State of Tennessee.

If your Excellency thinks with me, that the law of this State will authorize the Commissioners appointed under that law to fix the line of demarcation between our States, it will be desirable that commissioners should be sent forward at the same time, that those of South Carolina may meet those of this State, as thereby a considerable saving of expense would be made to North Carolina, without any additional expense to Georgia.

Your Excellency shall be informed of the time and place of meeting of the Commissioners of this State, and those of South Carolina, should that State have made provisions to co-operate in the above-mentioned measures.

Your Excellency will pardon a seeming delay in not acknowledging the receipt of yours at an earlier day; being in daily expectation of hearing from the Governor of South Carolina on the same subject, was the reason it was postponed.

I have the honor to be, with high consideration and respect, your Excellency's most obedient servant, J. TURNER.

Governor MILLEDGE.

Copy of the Act of North Carolina, alluded to in the letter of Governor Turner.

An Act appointing Commissioners to extend the boundary line of this State, and the State of South Carolina.

Whereas it is of high importance that the limits of this State should be accurately defined and ascertained: and whereas all former laws have heretofore failed to have the desired effect:

Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That there shall be appointed, by joint ballot of both Houses of the General Asssembly, and commissioned by the Governor, three commissioners to meet the commissioners who already are, or hereafter may be, appointed by the State of South Carolina, at such time and place as the Executive of the two States shall or may direct, and with them settle all and singular the differences, controversies, disputes, and claims, that may subsist between this State and the State of South Carolina; and to fix and establish permanently the boundary line between this State and the State of South Carolina; and the same to mark and ascertain as distinctly as may be, as far as the eastern boundary of the territory ceded by the State of North Carolina to the United States: *Provided, nevertheless,* That the extension of the said line shall not affect the titles of any person or persons to the lands entered in either of the said States; and this State will, at all times hereafter, ratify and confirm all and whatsover the said commissioners, or a majority of them, shall do in and touching the premises, by virtue of this act; and the same shall be binding on this State.

And be it further enacted, by the authority aforesaid, That the commissioners appointed in pursuance of this act shall, for their several services, be allowed the sum of forty shillings per day, and forty shillings for every thirty miles in travelling to and from the business contemplated by this act; and they shall make a return of their proceedings to the next General Assembly, after the time they shall have perfected the purposes of their appointment. And, further, said commissioners are hereby authorized and empowered to employ one or more surveyors, and such number of markers as they, or a majority of them, shall deem necessary; and there shall be allowed to each and every surveyor appointed by the commissioners forty shillings per day for their services, and forty shillings for every thirty miles in travelling to and from the duties imposed upon them by this act; and to each marker or chain-carrier twenty shillings for every day they shall be employed in running and marking the lines as aforesaid, and twenty shillings for every thirty miles in travelling to and from the duties imposed upon them by this act.

And be it further enacted, by the authority aforesaid, That in case of death, resignation, or refusal to act, of any of the commissioners herein appointed, the Governor of the State is hereby empowered to appoint and fill up any vacancy occasioned in manner as aforesaid; and that the Governor for the time being shall, as soon as may be, after the ratification of this act, transmit a copy thereof to the Executive of the State of South Carolina, accompanied with a request that the State of South Carolina should co-operate, without delay, with this State in effecting the purposes of this act.

And be it further enacted, That the Governor shall issue his warrant, upon application of said commissioners, declaring that they are ready and about to proceed to the running of the said line, on the Treasury, for the sum of two hundred pounds, and such further sum as the Governor may deem necessary for carrying this act into effect.

And be it further enacted, That all former acts, and parts of acts, coming within the meaning of this act, are hereby repealed and made void.

Read three times, and ratified in General Assembly the seventh day of December, A. D. one thousand eight hundred and three.

JOS. REDDUK, *Pres't Senate.*
S. CABARRUS, *Speaker H. C.*

Copy of a letter to His Excellency James Turner.

EXECUTIVE DEPARTMENT,
Louisville, Ga., April 6, 1804.

SIR: I have had the satisfaction to receive your Excellency's letter of the 25th of February last, in answer to the one I wrote you some time since, and regret much that my letter was not received early enough to have been laid before your Legislature when last in session. I have perused the act of your State, which you had the goodness to enclose me, and find that it vests the commissioners appointed under it with power to ascertain and mark the boundary line of North Carolina, as far as the State of Tennessee.

Though it was made to operate with commissioners to be appointed on the part of South Carolina, that State having long since ceded her territory west of the Blue Ridge of mountains to the United States, and the General Government having conveyed the same to Georgia, I feel no difficulty in appointing commissioners to co-operate with the commissioners under the act of your State, for the purpose of ascertaining and marking the line of limits between North Carolina and Georgia; but I cannot consent that titles to the lands entered in either of the States of North Carolina or South Carolina, shall not be affected by the extension of the line, if such lands should fall within the limits of Georgia; because, while the territory in that quarter, which is now attached to Georgia, was vacant, the State of South Carolina yielded it to the General Government; and any grant given by either of the States for land within it must consequently be void.

It is highly important that the limits of States should be accurately ascertained and defined: as this is not the case in regard to North Carolina and Georgia, and it appears, from the acts of the two States, to be their wish to effect so desirable an object, the present opportunity ought, without hesitancy, in my opinion, to be embraced. If, therefore, your Excellency will give the commissioners, on the part of your State, instructions accordingly, and notifying me of the time and place at which they attend, commissioners on the part of this State shall join them. I could wish this object to be accomplished as early as possible, as, by referring to the extract of the law I enclosed you, your Excellency will perceive that it is not to take effect until the dividing line between the two States shall be run, provided it is done within six months after its passage.

I am, sir, with great consideration and respect, your Excellency's most obedient servant,

JOHN MILLEDGE.

Governor TURNER.

A copy of a letter from His Excellency, James Turner.

RALEIGH, *May* 8, 1804.

SIR: The letter your Excellency did me the honor to address to me the 6th ultimo I now have before me. I am informed by the Governor of South Carolina, that my letter to him, on the subject of boundary, with which was enclosed an authenticated copy of an act passed by our Legislature at their session, on this subject, which letter was alluded to in mine to your Excellency of the 25th of February last, was not received in time to be submitted to the Legislature of that State, at their last session. He informs me that an extra session of the Legislature of that State will be held in the present month; that he will submit to their consideration the law of this State, and entertains no doubt but such measures will be adopted by them as will tend finally to close the differences between the two States respecting boundary. Should that be the case, it is highly desirable, on the part of the State, that the line of demarcation between North Carolina and Georgia should be ascertained and marked at the same time. The proviso, made in the law of this State, to secure to individuals the entries of lands made in either State, (if any such there be,) is the only part of that law to which your Excellency has objections. That proviso, in itself, is so just and reasonable, that I was persuaded no objections could be made to it. The policy of both nations and States, in similar situations, justified such a belief. The discontents, jealousies, controversies, and probably violences which might ensue, if such provision be not made, are such that I am persuaded your Excellency, on more mature consideration, will be induced to entertain a different opinion than the one expressed in your letter to me on that subject. Upon those considerations, I can, by no means, take upon myself the responsibility of instructing the commissioners, appointed by the Legislature of this State, to extend the line between North Carolina and Georgia, with commissioners on behalf of your State, unless that proviso is adopted by Georgia.

I will, in justice to the Legislature of this State, mention to your Excellency, that it is my belief that they have no knowledge of any lands being granted by this State that will fall in Georgia, on the lines being extended. I have seen a paragraph in the public papers, mentioning that the Legislature of your State would be in session in the course of the present month. Should that information be correct, I should be glad if your Excellency would represent the matter to them; and, if a similar proviso is adopted on the part of Georgia, it will be highly agreeable to me, and I am persuaded it will be to the Legislature, to finally ascertain and mark the line of limits between our States.

Your Excellency shall be informed when and where the Commissioners of this State and South Carolina meet, should that State (as is fully expected) make provision at the approaching session to co-operate with the measures of this State.

I have the honor to be, sir, with high consideration and respect, your Excellency's most obedient servant,

J. TURNER.

Governor MILLEDGE.

Copy of a letter to His Excellency James Turner.

EXECUTIVE DEPARTMENT,
Louisville, (*Ga.*) *May* 23, 1804.

SIR: I have the honor to acknowledge the receipt of your Excellency's letter of the 8th inst., in answer to mine of the 6th ultimo. Impressed with the correctness of my objection to the proviso contained in the act, a copy of which you enclosed me, and having been vested by an act of this State with the power of making the necessary arrangements for running and marking the dividing line between our States, I did not think it necessary to lay the subject again before the Legislature; and your last letter did not reach me until that body had completed the business for which it was convened, and adjourned.

Had titles to the land which is now claimed by Georgia been given by either of the States of North or South Carolina, previous to its cession by the latter State to the United States, such a proviso might, in my conception, with more propriety than at present, be contended for. But when it is recollected that the titles (should there be any) entered in either North or South Carolina for that land were given at a time when it was the property of the General Government, the justice of my objection presents itself to me too forcibly to be conceded. If, therefore, your Excellency will not consent to the running of the dividing line, under the superintendence of commissioners from both States, without a proviso on the part of Georgia similar to the one made by North Carolina, that object cannot be in that way accomplished, until the Legislatures of the two States come to some understanding on the subject.

I am, sir, with great consideration, respectfully, your Excellency's most obedient servant,

JOHN MILLEDGE.

J. Turner, *Governor of North Carolina.*

A copy of a letter from His Excellency the Governor of North Carolina, dated

Raleigh, *Oct.* 20, 1804.

Sir: Information has been lately made to me by one of the Representatives to our State Legislature for the county of Buncombe, that the State of Georgia had assumed jurisdiction over a settlement which lies on the head of French Broad river and the waters thereof, which settlement was made under, and has ever since been subject to, the laws of North Carolina, and is within the limits and jurisdiction of Buncombe county. The information states that the civil officers of this State are impeded in the performance of their duties, and that considerable confusion, in consequence thereof, is likely to ensue.

Your Excellency well knows that the first representation made by Georgia to this State, claiming, under the convention with the United States, the territory, of which that settlement is by Georgia supposed to be a part, and the wish to have the boundary line between the two States ascertained and marked, were contained in your letter to me of the 15th of December last, with which was enclosed an extract of a law of Georgia, passed at their then late session, providing for ascertaining and fixing the line of demarcation between that and this State, and for other purposes. It is also known to your Excellency that that communication was not received until after the Legislature of this State had risen; of course they had not, nor will they have, an opportunity of acting on those propositions until their next annual meeting, which will be on the third Monday in next month.

From these circumstances being known to your Excellency, I was really surprised on hearing that Georgia had extended her jurisdiction so as to interfere with that of North Carolina, and that, before the claim set up by Georgia had ever come, or even had an opportunity of officially coming, to the knowledge of the Legislature of this State; and more particularly when your Excellency had just reasons to believe, from the letters which had passed between us, that North Carolina would promptly adopt measures to co-operate with those of Georgia, to ascertain and finally fix the line of demarcation between the two States.

Had the information respecting the assumption of jurisdiction by Georgia been received at any other period than that so immediately preceding the meeting of the Legislatures of the two States, I certainly should (however disagreeable the consequences might have been) have deemed it my duty to have enforced the execution of the laws of this State in that quarter, and to have continued their authority until the line between the two States should be ascertained; but, being fully impressed with the belief that the Legislature of North Carolina is truly desirous of having the limits of the State accurately defined and marked, and that they will, at their approaching session, make ample provision for that purpose, I shall let the matter be over until their meeting. From the perusal of your Excellency's favor of the 23d May last, which was duly received, I find you still adhere to your opinion, that it would be wrong for Georgia to agree to confirm the titles of lands, which may be granted by either of the States, that may fall into the other, on the lines being established. On that subject I entertain the same opinion I heretofore expressed.

To disturb or nullify the titles to lands which individuals have honestly acquired, would be cruel to the last degree, and a matter of more serious consequence, and probably more difficult to reconcile than at first view would appear, especially in quarters the furthest removed from the seat of Government of each of the States; though this is quite an abstract question from ascertaining and marking the line, and which either State may adopt or reject, as their feelings or policy may dictate.

I shall subject the extract of the law, forwarded to me by your Excellency, and the correspondence which has taken place between us since, to the consideration of the approaching session of the Legislature; and I make no doubt but that they will adopt such measures as will, by a cooperation on the part of Georgia, tend to the ascertaining and finally fixing the line of demarcation between our States.

Your Excellency may rest assured, that, as far as I can, consistent with my duty, be instrumental in accomplishing so desirable an object, I shall do it with pleasure.

I have the honor to be, with high consideration and respect, your Excellency's most obedient and humble servant. J. TURNER.

Governor MILLEDGE.

EXECUTIVE DEPARTMENT,
Louisville, (Ga.,) Dec. 11, 1804.

I have the honor to transmit your Excellency an official copy of an act of the General Assembly of this State, passed the 10th instant. The importance of the subject to which it relates induces me to request that you will lay it before the Legislature of your State should they be in session when you receive this letter.

If commissioners are appointed on the part of North Carolina for designating the line of limits between the two States, on your Excellency's notifying me of the same, agreeably to the power I am vested with, I shall immediately appoint commissioners to join them.

I have the honor to be, with great consideration, your Excellency's most obedient servant,
JOHN MILLEDGE.

Governor TURNER.

EXECUTIVE DEPARTMENT,
Raleigh, (N. C.) Dec. 26, 1805.

SIR: I have the honor to enclose herewith to your Excellency an authenticated copy of an act of the General Assembly of this State, passed at their late session, entitled "An act to amend an act, entitled 'An act appointing commissioners to extend the boundary line of this State and the State of South Carolina," passed at Raleigh, in the year one thousand eight hundred and three. Your Excellency will observe that, by this amendment, the provisions of the act of eighteen hundred and three, made for the purpose of extending the boundary line between this State and South Carolina, is extended to Georgia, for the same purpose.

If the Legislature of Georgia has made provisions to co-operate with the measures of this State, it is desirable that the business be proceeded on immediately. So soon as I am informed of their having done so, I shall be ready to fix with your Excellency the time and place of meeting of the commissioners.

Your Excellency, I am persuaded, is fully impressed with the importance of having the line of demarcation between our two States accurately defined and marked. Irregularities, I have understood, have already taken place; and if that country remains in its present situation, further disturbances may be expected, and probably of more serious consequences.

Your Excellency may be assured, that as far as I can contribute to the amicable accomplishment of so desirable an object, consistent with my duty and the laws of the State, it will afford me particular pleasure.

I have the honor to be, with respect and esteem, your Excellency's most obedient humble servant,
J. TURNER.

Governor MILLEDGE.

An Act to amend an act, entitled "An act appointing Commissioners to extend the boundary line of this State and the State of South Carolina," passed at Raleigh, in the year one thousand eight hundred and three.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the Governor, for the time being, and his successor, shall be, and he is hereby, vested with full power and authority to enter into any compact or agreement that he may deem most advisable for the interest of this State, with the legislative or executive powers of the States of South Carolina and Georgia, and for the extension of the same: *Provided, nevertheless,* That nothing herein contained shall be so construed as to affect any part or clause of the above recited act.

RALEIGH, *January* 8, 1805.

SIR: I had the honor of enclosing to you, the 26th ultimo, the copy of an act of our Legislature, passed at their late session, extending the provisions of an act, passed in 1803, for ascertaining and fixing the boundary line between this State and South Carolina to Georgia. Since which time, I have received your Excellency's favor of the 11th ultimo; also, the act of your State for the same purpose.

By a perusal of the act last forwarded to your Excellency, the following proviso will be observed: "*Provided, nevertheless,* That nothing herein contained shall be so construed as to affect any part or clause of the above recited act;" which confines the Executive of this State, in any agreement he may make with Georgia on the subject of boundary, to the provisions of the first mentioned act.

It is presumed that your Excellency has authority given to comply with the terms of that act by the late act of Georgia, which authorizes and requires you to appoint commissioners with full and competent power, &c.

If your Excellency think proper to proceed on those terms, and will name the time and place for the commissioners to meet, I will direct the commissioners on the part of this State to attend them. The month of March appears to me the most proper time; but, should your Excellency think any other preferable, I shall have no particular objections, provided it is not later than the middle of April.

For the same reasons mentioned in mine to your Excellency of the 26th ultimo, it is desirable that something should be done as soon as possible.

Be assured it will afford me pleasure if we can adjust this matter to the satisfaction of the citizens of each of our States.

I have the honor to be, with high respect and consideration, your Excellency's most obedient servant,
J. TURNER.
His Excellency the GOVERNOR *of Georgia.*

EXECUTIVE DEPARTMENT,
Louisville, (Ga.,) Feb. 5, 1805.

SIR: Your two letters, one of the 26th of December, with its enclosure, and the other of the 8th of January, I had the honor to receive by the last Northern mail. I find that the Legislature of North Carolina has not in the least removed the difficulty by their late act, which I objected to in 1803. It is probable the Legislature of this State will be in session the latter end of April or first of May next, which will afford me an opportunity of laying your communication to me before them. If circumstances should not authorize an extraordinary call at the time I have mentioned, I will then apprize you of the measures I shall pursue; in the mean time, I feel persuaded that your Excellency will use every proper measure to discountenance irregularities by the citizens of your State on the inhabitants residing on the land the subject of controversy. I have this day received a letter from that quarter; and the outrages which are represented to me as having been committed by an armed force, said to be sent on purpose from one of the counties of your State, resembles more the doings of men warring against an enemy than the acts of citizens of the same nation towards each other; more especially, as the right of jurisdiction still remains matter of doubt between the two States.

I have the honor to be, with great respect, your Excellency's most obedient servant,
JOHN MILLEDGE.
His Excellency JAMES TURNER,
Governor of North Carolina.

A copy of a letter to His Excellency James Turner, Governor of the State of North Carolina.

EXECUTIVE DEPARTMENT,
LOUISVILLE, *Feb.* 17, 1805.

SIR: Since writing you on the 5th instant, two persons of respectable character, residing in the settlement at the head of French Broad river, now called Walton county, have visited this place. I herewith enclose you copies of affidavits which they have laid before me, stating the impressions under which they settled in that county, the subsequent steps taken by them, and the outrages committed within the settlements by the citizens of North Carolina.

The situation of those people must, in my opinion, be viewed by every dispassionate person as deplorable. If I am correctly informed of the history of the tract of country whereon they reside, I believe it to be this: Some short time previous to the year 1786, several individuals of the State of South Carolina formed themselves into a company, and obtained a grant or grants from that State for the lands which are now within the limits of Walton county. In 1786, the Legislature of South Carolina annulled the grants, as being improperly obtained, and in the year following, ceded that country to the General Government, and Congress (the North Carolina representation being present) accepted of the cession, according to the limits particularly specified in the deed of South Carolina. You will find, from a perusal of one of the affidavits, that the people settled on the land ceded by South Carolina to the United States, who are the same that now reside within the limits of Walton county, never contributed, by the payment of taxes, to the support of the government of North Carolina, nor did your State attempt to demand it from them, it being generally acknowledged that they resided without her limits. Thus circumstanced, and desirous of living under some regular constituted authority, they applied to the State of South Carolina to be admitted as members of her government, long before the deed of cession and agreement between the General Government and this State was entered into. They received for answer to their application, that South Carolina had yielded her right to the land on which they lived to the United States. They then petitioned Congress at different sessions, stating fully their situation, and requesting that Congress would retrocede the territory to South Carolina. This, however, was also denied them. They then brought with them to this place, while the Legislature of the State was in session, in the year 1803, the decision of Congress relative to their last memorial to that body, by which they were referred to Georgia. With a full view of all the circumstances I have mentioned, this State extended her government over them, not calculating in the least that the State of North Carolina, who had remained silent and inactive, both as it regarded the conduct of the State of South Carolina and the settlers, would ultimately contend, on any principle, for the right of soil. Georgia obtained the district of country described in the deed of cession of South Carolina from the General Government, by giving a valuable consideration for it; in doing so, the desire of an extension of jurisdiction did not so much influence her as the value of the soil. Should she agree to the running of the line under the provision of the act of North Carolina, there would not be, if the information I have had is correct, a single acre at her disposal, the whole being covered by grants of North Carolina, and what extent of country those grants might embrace is uncertain. Further, it is a principle justly established in law, that, to make an act binding on each party, there must be some show of reciprocity. From the provision of the act of your State, Georgia derives no advantage; North Carolina has the entire benefit. The provision, however, as it regards South Carolina, is correct. It would have been unjust that the citizens of your State, or those of South Carolina who claim under ancient grants, should be dispossessed of their lands, on finding, by adjusting the boundary line, that they were thrown without the State, that they had derived their title from; but Georgia having never granted a single acre of land in the settlement in question, or near the boundary line of the two States, there is not the least prospect that any of her citizens will have, upon the limits being extended, a claim upon land within the limits of your State. The provision, therefore, ought to extend no further than South Carolina has exercised her patent authority, and she never legally extended it west of the ridge of mountains which is now the dividing line between that State and Walton county. If the persons claiming under North Carolina were the actual inhabitants at the head of French and Broad rivers, who have encountered all the difficulties attendant on settling a mountainous and frontier country, then, indeed, would the zeal which North Carolina discovers on this occasion, be truly laudable; but, when there is every reason to apprehend that, if her wish is consented to by this State, grants, some of which, if information says true, were obtained previous to the extinguishment of the Indian title, and some after the territory was known to be ceded to Georgia, will be confirmed to persons who reside at a considerable distance from the line, and who were induced to run it from motives of speculation only, I cannot feel justified in consenting that the proviso of the act of your State shall extend to this. I have to assure your Excellency that there is not a State in the Union more desirous than Georgia to be on terms of harmony and good-will with her sister States, or that would more deeply regret any cause which would induce her to depart from that good understanding which it is her anxious wish to maintain with the respective States; and there is no measure to obviate or remove any cause of dispute or irritation, consistent with the principles of justice and propriety, but the State would cheerfully acquiesce in. But, from a mature examination of all the circumstances of this case, I feel myself bound to say that I cannot consent to the running the line under the provision of the act of your State, and dissent to the same.

In order, however, to restore harmony, and prevent further disturbances among the inhabitants of Walton county and those of your State, I feel persuaded that your Excellency can have no objection to have the boundary line run, and let the proviso of your act be a subject for the after deliberation of the Legislatures of the two States. Should this proposition meet with your assent, you have only to notify me, and commissioners on the part of this State shall be appointed, and your Excellency shall be apprized of the time and place at which they will meet those of North Carolina. In the mean time, I have to request that your Excellency will discountenance, and by proper measures prevent, the outrages which the citizens of North Carolina are in the practice of committing on the unfortunate persons residing on the land, the subject of controversy.

I have the honor to be, with great respect and consideration, your Excellency's most obedient servant,

JOHN MILLEDGE.

His Excellency James Turner,
Governor of North Carolina.

Georgia, *Jefferson county:*

Personally appeared Richard Williamson, of the county of Walton and State aforesaid, who, being duly sworn, deposeth and saith: that, on the 19th day of December last, his county was invaded by a band of armed men, about the number of sixty or seventy, from the county of Buncombe and State of North Carolina, who were joined by twenty-four men, citizens of his own county, and there, with force and arms, did take him, (said Williamson,) with nine other citizens of his county, prisoners, and removed them, under guard, to Buncombe county, North Carolina, and confined them in the jail of said county for several days, upon no other charge than executing the laws of Georgia in said Walton county.

RICHARD WILLIAMSON.

Before me, February 16, 1805.
J. M. STERRETT, *J. In. Court.*

Georgia, *Jefferson county:*

Personally appeared, Richard Williamson and Reuben Allen, both of the county of Walton and State aforesaid, who, being duly sworn, deposeth and saith: that they both settled in that country in the years 1793 and 1794, under a full conviction that the lands on which they resided and made settlement were within the limits of South Carolina, until some time afterward being informed that South Carolina had ceded that tract of country to the General Government. We then remonstrated to the Government of the United States to recede said tract of country to South Carolina again; some time afterwards we received information that Congress had ceded said tract of country to Georgia; and further saith, that they never paid any tax, nor were taxes exacted of them from the State of North Carolina, nor ever applied to the Government of North Carolina for protection.

RICHARD WILLIAMSON,
REUBEN ALLEN.

Before me, 16th February, 1805.
J. M. STERRETT, *J. In. Court.*

A copy of a letter from His Excellency James Turner, Governor of the State of North Carolina.

Sir: I have the honor to acknowledge the receipt of your Excellency's favor of the 17th February last, covering two affidavits, which came to hand but a few days past; for the cause of such a long passage I am at a loss to account.

I wrote your Excellency the 12th of that month, and enclosed an extract from a letter I had received from John Williams, Esq., one of the members of the Legislature from the county of Buncombe, on the subject-matter contained in the affidavits of your Excellency enclosed, which, when received, I hope explained satisfactorily what actuated the citizens of North Carolina in doing what your Excellency deems an outrage on the citizens of Walton county.

The situation of any people must be truly deplorable, when a due course of law and justice cannot be exercised; but doubly so when jurisdiction is claimed and alternately exercised by different governments, and the people divided in opinion among themselves, as to which of the governments jurisdiction rightly belongs. Such, if I am rightly informed, is the situation in which the settlers at the head of French and Broad river at present are placed; and thus they are doomed to remain, by the dissent your Excellency has made to one of the most important principles contained in the laws of North Carolina passed for the purpose of adjusting the boundary between our States, until a meeting of the Legislatures of the two States shall take place, and relieve them by enacting such laws as will insure the boundary between the States to be ascertained.

The history your Excellency has given respecting the manner the territory ceded by South Carolina to the United States was acquired by Georgia, I believe correct; and that the impressions of many might be the same, in settling on that territory, as those of the persons whose affidavits you have enclosed me, I am not disposed to doubt; for it is well known that there were settlers on that territory which North Carolina never did consider under her jurisdiction or within her limits.

Had Georgia extended her jurisdiction no further than over the settlers of that description, her right of doing so would not have been questioned by North Carolina, neither would there have been any interference of jurisdiction; but there are settlers of another description, said by Georgia to be on that territory, and over whom she claims jurisdiction. Her right of doing so never has been, nor ever will be acknowledged by North Carolina, until the boundary between the two States is ascertained, and it shall appear to be her right.

It has been the cause of no small inquiry, to know by what right or by what authority Georgia has assumed jurisdiction over a tract of territory settled by, and at all times considered by the citizens themselves, as well as by Government, under the jurisdiction of North Carolina. Surely, it will not be contended for, on behalf of Georgia, that North Carolina ought to relinquish the jurisdiction which she has exercised for many years over a settlement which she believes to be within her boundary, and without being even consulted on the occasion, merely because Georgia may imagine herself entitled to it.

If I am rightly informed as to the cause of an interference of jurisdiction between North Carolina and Georgia, it is this: the line between North Carolina and South Carolina never was extended (if as far) beyond the Blue Ridge of mountains which now divides South Carolina and Georgia. When North Carolina extended her settlements to the west of those mountains, and established the county of Buncombe, which was bounded on the south by South Carolina, there was nothing to direct the citizens (who in frontier counties are not the best informed as to fixing on proper degrees of latitude) where the limits of the State probably would be. Under these circumstances, entries of land were made, and titles granted to a number of individuals who settled on them, believing at the time, they were within the limits of North Carolina, and still continue in that opinion, although Georgia claims jurisdiction over them.

The honest and innocent individuals of the above description, "who encountered all the difficulties attendant on settling a mountainous and frontier country," whose rights may be affected on running the line, and the persons which North Carolina discovers such "zeal" to protect in their property, honestly acquired, as well as to preserve her faith inviolate; that induces her strenuously to insist on the titles to lands, granted by either of the States, to be confirmed on the lines being run, not because the advantage may be thought to be on her side, and that she may be benefitted in a pecuniary point of view—such a principle she disdains, and the sacrifices she has heretofore made, on similar occasions, are sufficient proof it it—but because she considers the faith of a State, when fairly and honestly pledged to individuals, sacred, and not to be violated or broken but in the most extreme cases; denying, in the most positive and unequivocal manner, that she ever granted an acre of land knowingly without her limits.

The information your Excellency has received, and that which I have been able to collect, respecting the quantity of land granted by North Carolina, either previous or subsequent to Georgia's having acquired the territory ceded by South Carolina to the General Government, within that territory, is very different. The information I have received on the subject is, that but a small quantity, if any, of either description, will be affected, should the proviso in the act of North Carolina be consented to by Georgia. As to the grants of former description, no knowledge can be obtained but from the opinions of those acquainted with the transactions of that country; but of the latter, some opinion, though not a correct one, may be formed. The enclosed paper, which I have procured from the Secretary's office, and which may be relied on as correct, contains a list of every grant, and the number of acres in each, that have issued to the county of Buncombe, (the only county grants can issue to, by which Georgia can be affected,) since April, 1802, (the time Georgia acquired that territory;) from a view of which, I am persuaded, your Excellency will think, with me, that, to judge from the quantities contained in the several grants, but a small quantity, if any, was entered or secured through motives of speculation; nor will the quantity granted appear otherwise than small, when the situation and extent of that country are viewed, it being one hundred and thirty miles in extent and from sixty to seventy in breadth, the most recently settled of any other county in the State, and abounds, in every part, in unappropriated lands. Allowing a proportionate quantity of the land granted to be in the quarter to affect Georgia, it cannot be an object with her, who abounds as much, or probably more than any other State in the Union in unappropriated lands, to insist on the establishment of a principle that manifestly tends to individual oppression.

Your Excellency's apprehensions, therefore, that the whole of the territory in question is covered by the grants of North Carolina, I conceive are not well founded. Neither is your information correct, (if I am rightly informed,) that very few of the inhabitants on the territory in question are holders of land granted by North Carolina, but that the holders under the North Carolina grants reside at a considerable distance from the land. Should the boundary of Georgia extend as far north as she claims jurisdiction, my information induces me to believe that many of the present inhabitants are holders of land under North Carolina titles, which will become forfeited, unless the proviso mentioned is agreed to by Georgia.

The usage of nations, as well as the uniform policy adopted by every State in the Union, (Georgia in this instance excepted,) on fixing their boundary with a sister State, tends to prove that individuals' property, in such cases, ought to be protected; and as the territory in question, at the time it was acquired by Georgia, was known by her to be in the situation it now is, as respects the line and the lands entered, or very nearly so, there appears no reason, founded on justice, why we should depart from the uniform custom that has prevailed.

Your Excellency may be assured that North Carolina is as truly desirous as Georgia can be, and as much so as any State in the Union, of living on terms of harmony and good understanding with her sister States; nor is there a State in the Union who would regret more than she would a departure on her part from those just principles which free and independent States ought at all times to observe towards each other; nor would she on the present occasion persevere with such earnestness, were she not fully persuaded of the justness of the principle for which she contends.

On mature reflection, I am compelled to decline acceding to the proposition made by your Excellency, of running the line between our States, and leaving the question of the proviso in the act of this State to the after-deliberation of the Legislatures of the two States, from a thorough belief that, were I to accede to it, I should be acting directly in opposition to the known will and intention of the Legislature, and contrary, in my opinion, to propriety; nor do I think that any partial proceedings would be attended with beneficial effects—indeed, it is to be apprehended they might tend to irritate more than conciliate.

I have and shall continue to discountenance, by every means in my power, all outrages and violences, on the part of the citizens of North Carolina, towards those of Georgia, in the quarter now the subject of controversy; and hope the like will be done by your Excellency, on the part of the citizens of your State, to prevent, as far as possible, those animosities which but too frequently prevail in such cases.

I very much lament that so desirable an object as that of having the line ascertained and marked between the two States must be postponed for such a length of time; but it appears inevitable, under the laws of this State, while your Excellency retains your present opinion.

I have the honor to be, sir, with high consideration and respect, your Excellency's most obedient servant, J. TURNER.

His Exc'y JOHN MILLEDGE,
Governor of the State of Georgia.

An Act to lay out and establish a county in a territory lately acquired by cession from the General Government.

Whereas, by certain articles of agreement and cession entered into on the 24th day of April, 1802, by and between the Commissioners of the State of Georgia on the one part, and the Commissioners of the United States on the other part, a tract of territory, situated south of the southern boundary of the States of North Carolina and Tennessee, and adjoining this State, was ceded by the United States to the State of Georgia: and whereas the Indian claim to that part of the said territory lying at the head of French Broad river, and within the following boundaries, to wit: beginning on the summit of the ridge of mountains called the Blue Ridge, where the same is crossed by the latitude thirty-five degrees north of the equator; thence, with the said ridge of mountains, to the temporary boundary line, run by General Pickens, between the Cherokee tribe of Indians and the State of South Carolina; along the said boundary line, north, forty-five degrees east, to an ash tree, at the distance of forty miles on the said line from Tugalo river, near the Brass Town creek; thence, along the boundary line run by Colonel Meigs, under the authority of Congress, north, fifty degrees west, to the intersection of the said line with parallel of latitude thirty-five degrees north of the equator; thence, along the said parallel of latitude, to the summit of the Blue Ridge aforesaid, was extinguished by treaty held and concluded near Tellico, on the 2d day of October, 1798; and a considerable settlement has been formed thereat, and the inhabitants thereof have petitioned this Legislature to be incorporated in the Government of this State:

SEC. 1. *Be it therefore enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met,* That the territory lying within the boundary last mentioned, to which the Indian claim hath been extinguished, shall be a county, to be called and known by the name of Walton.

SEC. 2. *And be it further enacted,* That Richard Williamson, Kitt Smith, James Lefoy, Ebenezer Fain, and Reuben Allen, be, and they are hereby, appointed justices of the inferior court of the said county, which court shall have the same powers and jurisdiction as the inferior courts of other counties within this State.

SEC. 3. *And be it further enacted,* That the justices of the inferior courts aforesaid, or any three or more of them, shall be, and they are hereby, invested with full power and authority to decide and fix upon some convenient situation, as nearly central as circumstances will admit of, on which shall be erected a court house and jail; to define the militia company districts, not exceeding two in the said county, which shall be added to and become a part of the third brigade of the third division of the militia of this State; to appoint two constables, one for each militia company's district, who shall severally hold their appointments for two years from and after the date of their appointments, and until successors shall be appointed and qualified; to levy a county tax on the inhabitants of the said county, in such manner as they may deem least oppressive, for the purpose of raising a fund for building the court-house and jail, and other county purposes; and to appoint a collector to collect the same, who shall give bond, in the penalty of double the sum to be collected, with such security as the said justices may approve of, for the faithful discharge of his duty and the trust reposed in him.

SEC. 4. *And be it further enacted*, That, until a court-house shall be completed at the permanent seat, to be fixed upon as aforesaid, the court shall be holden, and other public business of the county transacted, at the dwelling-house of William Allen.

SEC. 5. *And be it further enacted*, That the justices of the inferior court aforesaid, or any three or more of them, shall assemble at the place herein before pointed out for holding courts, on the first Monday in January, 1804; and after publicly administering to each other, and severally subscribing the oaths prescribed by the laws and constitution of this State to be administered to the justices of the inferior courts, they shall nominate two justices of the peace in each militia company district, and transmit such nomination to his Excellency the Governor, without delay, in order that commissions may issue for such justices of the peace.

SEC. 6. *And be it further enacted*, That the inhabitants of the said county shall be entitled to elect and return one Senator and one Representative to the Legislature, under the same regulations and restrictions as other counties in this State: and to elect militia officers in the manner pointed out by the militia laws of this State.

SEC. 7. *And be it further enacted*, That it shall be the duty of the said justices of the inferior court, or any two or more of them, to give notice at the place appointed for holding courts, and at two other of the most public places within the county, twenty days previous to the day appointed for holding an election, and shall hold an election for clerk of the said court, sheriff, coroner, and county surveyor; which election shall be by ballot of all the free male white citizens of the said county above the age of twenty-one years, and shall be opened, held, and conducted by the said justices, in the same manner as other elections for county officers are held within this State; and the persons having the highest number of votes shall be declared duly elected, and shall hold their offices during the time prescribed by the laws and constitution of this State, and shall be commissioned by the Governor, and take the oaths of office prescribed by law.

SEC. 8. *And be it further enacted*, That all free white persons, citizens of the United States, being actual settlers within the limits of the said county, on the sixteenth day of May last past, who may henceforward conform to the laws and Government of this State, shall be entitled to a preference, founded on occupancy, to the lands on which such persons were so settled, not exceeding two hundred acres to any one family, and shall receive grants for the same, free of purchase, office fees excepted, when or so soon after as an office shall be opened for granting out the said land, as circumstances will permit.

SEC. 9. *And be it further enacted*, That his Excellency the Governor be authorized, and he is hereby requested, to make immediate application to the Government of North Carolina to co-operate with this State in running out and plainly marking the dividing line between the States, without delay, and for this purpose to appoint three fit and proper persons, with full power, on the part of this State, to join such persons as may be appointed with like powers, on the part of the State of North Carolina, to run and plainly mark the said dividing line. And this act shall stand suspended, and not take effect, until the aforesaid line shall have been run accordingly; provided the same shall be so run and marked within six months of the passing of this act.

ABRA'M JACKSON,
Speaker House of Reps.
DAVID EMANUEL,
President of the Senate.

Assented to, December 10, 1803.

JOHN MILLEDGE, *Gov'r.*

An Act appointing Commissioners for ascertaining and dividing the line between this State and the State of North Carolina.

Whereas, by an act of the Legislature of South Carolina, passed the eighth day of March, in the year one thousand seven hundred and eighty-seven, certain delegates were fully authorized to assign over to the United States all that tract of territory within the chartered limits of the said State, lying and being within the boundaries and limits hereinafter described, that is to say, all the territory or tract of country included within the river Mississippi and a line beginning at that part of the said river Mississippi which is intersected by the southern boundary line of North Carolina, and continuing along the said boundary line until it shall intersect a ridge or chain of mountains which divides the eastern from the western waters; thence along the said ridge of mountains to where it intersects a line to be drawn due west from the head of the southern branch of Tugalo river to the said mountains, and thence to run a due west course to the river Mississippi: and whereas the United States did accept of a deed of cession, executed by the said delegates in due form, on the seventh day of August, in the year of our Lord one thousand seven hundred and eighty-seven: and whereas, that previous to the date of the aforesaid deed of cession, that is to say, in the year of our Lord one thousand seven hundred and seventy-two, the Governors of the then provinces of North and South Carolina, by virtue of an order of George the Third, King of Great Britain, appointed commissioners to alter the line between the two provinces aforesaid, now States of North and South Carolina, which said line was actually run and ascertained by the said commissioners; and that the said line was continued from the end of the line northwest from Little River, a due west course, to the lands belonging to the Catawba nation of Indians; thence northwardly with their lands, so as to leave the same in South Carolina; thence due west; by which proceeding it evidently appears that all the land comprehended within the limits of Walton county, and as far as the thirty-fifth degree of north latitude, continued to be the property of South Carolina, until their deed of cession to the United States: and whereas articles of agreement and cession were entered into, and signed, sealed, and executed by commissioners duly authorized by the United States and this State, respectively, on the twenty-fourth day of April, in the year of our Lord one thousand eight hundred and two, which were ratified by this State on the sixteenth day of June following, by which articles of agreement and cession aforesaid the United States conveyed to this State both the right of soil and jurisdiction to all the territory within the aforesaid boundaries and limits which the State of South Carolina had any claim to at the time the State made a cession of the same to the General Government:

And whereas the State of Georgia did, being vested by the articles of agreement and cession aforesaid with the right of soil and jurisdiction of the lands within the limits of the county of Walton, pass an act on the tenth day of December, in the year of our Lord one thousand eight hundred and three, entitled "An act to establish a county in the territory lately acquired by a cession of the United States," which said act has been carried completely into effect; and the said county of Walton, in pursuance of the same, hath been duly organized, and the authority of this State exercised therein:

And whereas it is necessary that commissioners, on the part and behalf of this State, should be appointed to meet any commissioners which may hereafter be appointed by the State of North Carolina for the purpose of marking more plainly the line, in every part, designating the county of Walton.

SEC. 1. *Be it therefore enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same,* That his Excellency the Governor be, and he is hereby, authorized and required to appoint two or more fit and proper persons, as commissioners, on the part and behalf of this State, with full and competent power, to meet any two or more commissioners that may be appointed by the State of North Carolina for the purpose of designating more plainly and clearly the lines of the aforesaid county of Walton.

ABRAHAM JACKSON,
Speaker of the House of Representatives.
JARED IRWIN,
President of the Senate.

Assented to: December 10, 1805.

SLAVE TRADE.

[Communicated to the House, February 13, 1806.]

To the Senate and House of
Representatives of the United States:

It is to us a subject of deep regret that circumstances once more command an address to you in the language of solicitation. In thus calling your attention from objects of importance to those which may perhaps be deemed of inferior moment, we are not actuated by an ignoble passion for renown. Far otherwise; we are perfectly content to pass down the stream of time unnoticed by the world, unrewarded by celebrity. If the purposes which we hold up to view for attainment are but accomplished, entire satisfaction will be ours, though fame record not our actions. The existence of injustice and a wish to eradicate it, have alone drawn us from the obscurity of private life.

Sources of affliction still force themselves upon the feelings of your memorialists in viewing the land of their nativity and affection. Though the horizon in some places has resumed its native lustre, dark clouds intercept its splendor in others. We still hear the clanking fetters of slavery in the dominions of liberty; and we hear them with increasing noise.

That the cause of this injurious change should be legalized, we can but lament. We ask not the interposition of Congress. Though it is believed to be within their inclination, we know it is beyond their power. The object of this memorial is the removal of other evils.

Eminence in the slave trade has long disgracefully distinguished a number of the citizens of an Eastern State. Regardless of their own or their country's reputation, they have long been the inhuman forgers of chains for the sons of Africa. By their means the American flag still continues to flutter on an insulted territory, the witness of the greatest enormities. Parents are torn from children, husbands from wives; in a word, thousands of freemen are annually dragged into slavery, through the instrumentality of the vessels, the citizens, and the produce of the United States; and this, too, in undisguised contravention of the laws of their country. To one of the practices to which the African traders of the place alluded to have resorted for escaping even a chance of punishment, we beg leave to call the attention of the wisdom of the Union. We say chance of punishment, for he who there dares to step forward to assert the laws of the land hazards his life.

It is declared, in the first section of an act of Congress, passed May 10, 1800, unlawful for any citizen of the United States, or other person residing within the United States, directly or indirectly, to hold any right or property in any vessel employed in the transportation of slaves from one foreign country to another; and any right or property belonging as aforesaid shall be forfeited, and may be libelled and condemned for the use of the person who shall sue for the same, &c. Under this act, giving the whole forfeiture to the informer, the vessels of those who incur its penalties are libelled and condemned by collusion with their friends. The defendants, by this mockery of justice, purge their vessels from crime, subjecting themselves merely to an inconsiderable expense. From unquestionable authority we are assured of several evasions of this description. To prevent them, and strengthen the provisions of the acts generally upon the subject of the slave trade, we would suggest to Congress the propriety of such an alteration in the law as to entitle the United States, in all cases, to a proportion of the condemned article; and annexing to the persons engaged in this traffic (since shame is a powerful motive to action) a disqualification to hold any office under the United States.

Your memorialists would further suggest another alteration of the penal code. By the same law of 1800, voluntarily serving on board vessels employed in the transportation of slaves from one foreign country to another is declared unlawful. The punishment of this offence is directed to be by indictment. By the existing law, criminal prosecutions can only be supported, with some few exceptions, by *viva voce* testimony. The accused, upon the trial, must be confronted by the witnesses against him. To seamen, the knowedge of infractions of the part of the law last aluded to is usually confined. Persons whose avocations constantly lead them from their homes to distant places, and whose attendance at trial it is of course generally impossible to secure, without ubjecting them to the palpable injustice of coninement, or an inconvenience equally great, that f compelling by surety their presence at a paricular day, on which, unexpectedly and unavoidbly, they may be hundreds of miles from the cene of trial. This difficulty, it is apprehended, would be obviated by removing from written tesmony the objection to which it is now liable in riminal prosecutions under the law of 1800, and iving it, in such cases, the force which it possesses in civil actions. We have not been able to iscover any objection to depositions fairly taken the presence of prosecutor and prosecuted. It , however, with great deference, submitted to e superior judgment of Congress.

We hope that, in thus concisely urging upon our notice some apprehended defects in the laws r discouragement of the worst of crimes, impernence will not be discoverable. Though the ospect is brightening on the eye of humanity, ough the period rapidly advances in which Coness will acquire a capacity of performing, by a ngle unexpensive act, more good than perhaps er fell to the lot of a Legislature to accomplish, e have not, hence, conceived ourselves at liberty view with inactive zeal present excesses, to nedy which a competent authority exists.

Signed, by the order of the American convenn for promoting the abolition of slavery, &c., ld at Philadelphia, from the 13th to the 15th y of January, 1806.

GERSHOM CRAFT, *President.*

Attest:

Jacob Waln, Jr., *Secretary.*

COLONIZATION FROM VIRGINIA.

[Communicated to the Senate, Jan. 16, 1807.]

In the House of Delegates,
December 31, 1800.

Resolved, That the Governor be requested to correspond with the President of the United States on the subject of purchasing lands without the limits of this State, whither persons obnoxious to the laws or dangerous to the peace of society may be removed.

A copy from the Journal of the House of Delegates.

WM. WIRT, *Clk. Ho. Del.*

Richmond, *June* 15, 1801.

Sir: I enclose you a resolution of the General Assembly of this Commonwealth, of the last session, by which it is made my duty to correspond with you on the subject of obtaining, by purchase, lands without the limits of this State, to which persons obnoxious to the laws or dangerous to the peace of society may be removed. This resolution was produced by the conspiracy of the slaves which took place in this city and neighborhood last year, and is applicable to that description of persons only. The idea of such an acquisition was suggested by motives of humanity, it being intended by means thereof to provide an alternate mode of punishment for those described by the resolution who, under the existing laws, might be doomed to suffer death. It was deemed more humane, and it is hoped would be found in practice not less expedient, to transport such offenders beyond the limits of the State.

It seems to be the more obvious intention of the Legislature, as inferred from the resolution, to make the proposed acquisition of land in the vacant Western territory of the United States, but it does not appear to me to preclude one without the limits of the Union. If a friendly Power would designate a tract of country within its jurisdiction, either on this continent or on a neighboring island, to which we might send such persons, it is not improbable the Legislature might prefer it. In any event, an alternative could not otherwise than be desirable, since, after maturely weighing the conditions and advantages of each position, the Legislature might still prefer that which appeared to be most eligible.

It is proper to remark, that the latter part of the resolution, which proposes the removal of such persons as are dangerous to the peace of society, may be understood as comprising many to whom the preceding member does not apply. Whether the Legislature intended to give it a more extensive import, or, rather, whether it contemplated removing from the country any but culprits who were condemned to suffer death, I will not undertake to decide. But if the more enlarged construction of the resolution is deemed the true one, it furnishes, in my opinion, a strong additional motive why the Legislature, in disposing of this great concern, should command an alternative of places.

As soon as the mind emerges, in contemplating the subject, beyond the contracted scale of providing a mode of punishment for offenders, vast and interesting objects present themselves to view. It is impossible not to revolve in it the condition of those people, the embarrassment they have already occasioned us, and are still likely to subject us to. We perceive an existing evil, which commenced under our colonial system, with which we are not properly chargeable, or, if at all, not in the present degree; and we acknowledge the extreme difficulty of remedying it. At this point the mind rests upon suspense, and surveys with anxiety obstacles which become more serious as we approach them. It is vain for the Legislature to deliberate on the subject in the extent which it is capable of, with a view to adopt the system of policy which appears to it most wise and just, if it have not the means of executing it. To lead to a sound decision, and make the result a happy one, it is necessary that the field of practicable expedients be opened to its election on the widest possible scale.

Under this view of the subject, I shall be happy to be advised by you whether a tract of land in the Western territory of the United States can be procured for this purpose, in what quarter, and on what terms; and also whether any friendly Power will permit us to remove such persons within its limits, with like precision as to the place and conditions. It is possible a friendly Power may be disposed to promote a population of the kind referred to, and willing to facilitate the measure by co-operating with the accomplishment of it. It may be convenient for you to sound such Powers, especially those more immediately in our neighborhood, on the subject, in all the views which may appear to you to be suitable.

You will perceive that I invite your attention to a subject of great delicacy and importance; one which, in a peculiar degree, involves the future peace, tranquillity, and happiness of the good people of this Commonwealth. I do it, however, in a confidence that you will take that interest in it which we are taught to expect from your conduct through life, which gives you so many high claims to our regard.

With great respect, I have the honor to be, &c.
JAMES MONROE.

THOMAS JEFFERSON,
President of the United States.

WASHINGTON, *Nov.* 24, 1801.

DEAR SIR: I had not been unmindful of your letter of June 15, covering a letter of the House of Representatives of Virginia, and referred to in yours of the 17th instant. The importance of the subject, and the belief that it gave us time for consideration till the next meeting of the Legislature, have induced me to defer the answer to this date. You will perceive that some circumstances connected with the subject, and necessarily presenting themselves to view, would be improper but for your and the legislative ear. Their publication might have an ill effect in more than one quarter. In confidence of attention to this, I shall indulge greater freedom in writing.

Common malefactors, I presume, make no part of the object of that resolution. Neither the numbers nor the nature of their offences seem to require any provisions beyond those practised heretofore, and found adequate to the repression of ordinary crimes. Conspiracy, insurgency, treason, rebellion, among that description of persons who brought on us the alarm, and on themselves the tragedy of 1800, were doubtless within the view of every one; but many, perhaps contemplated, and one expression of the resolution might comprehend, a much larger scope. Respect to both opinions makes it my duty to understand the resolution in all the extent of which it is susceptible.

The idea seems to be, to provide for these people by a purchase of lands; and it is asked whether such a purchase can be made of the United States in their Western territory? A very great extent of country, north of the Ohio, has been laid off into townships, and is now at market, according to the provisions of the act of Congress, with which you are acquainted. There is nothing which would restrain the State of Virginia either in the purchase or the application of these lands. But a purchase by the acre might, perhaps, be a more expensive provision than the House of Representatives contemplated. Questions would also arise, whether the establishment of such a colony within our limits, and to become a part of ou Union, would be desirable to the State of Virginia itself, or to the other States, especially those wh would be in its vicinity.

Could we procure lands beyond the limits o the United States, to form a receptacle for these people? On our northern boundary, the country not occupied by British subjects is the propert of Indian nations, whose title would have to b extinguished, with the consent of Great Britain and the new settlers would be British subjects. I is hardly to be believed that either Great Britai or the Indian proprietors have so disinterested regard for us as to be willing to relieve us by re ceiving such a colony themselves, and as much t be doubted whether that race of men could lon exist in so rigorous a climate. On our wester and southern frontiers Spain holds an immens country, the occupancy of which, however, is i the Indian natives, except a few insulated spo possessed by Spanish subjects. It is very questior able, indeed, whether the Indians would sell whether Spain would be willing to receive thes people, and nearly certain that she would n alienate the sovereignty. The same question ourselves would recur here also, as did in the fir case: Should we be willing to have such a co ony in contact with us? However our prese interests may restrain us within our limits, it impossible not to look forward to distant tim when our rapid multiplication will expand itse beyond those limits, and cover the whole norther if not the southern continent, with a peop speaking the same language, governed in simil forms and by similar laws. Nor can we conte plate with satisfaction either blot or mixture on that surface. Spain, France, and Portugal hold possessions on the southern continent, as to which I am not well enough informed to say how far they might meet our views. But either there or in the northern continent, should the constituted authorities of Virginia fix their attention of preference, I will have the dispositions of those Powers sounded in the first instance.

The West Indies offer a more probable and practicable retreat for them. Inhabited already by a people of their own race and color, climates congenial with their natural constitution, insulated from the other descriptions of men, nature seems to have formed these islands to become the receptacles of the blacks transplanted into this hemisphere. Whether we could obtain from the European sovereigns of those islands leave to send thither the persons under contemplation, I cannot say; but I think it more probable than the former propositions, because of their being already inhabited more or less by the same race. The most promising portion of them is the island of St. Domingo, where the blacks are established into a sovereignty *de facto*, and have organized themselves under regular laws and government. I should conjecture that their present ruler might be willing, on many considerations, to receive even that description which would be exiled for acts deemed criminal by us, but meritorious, perhaps, by him. The possibility that these exiles might stimulate and conduct vindictive or predatory descents on our coasts, and facilitate concert with their brethren remaining here, looks to a state of things between that island and us not probable on a contemplation of our relative strength, and of the disproportion daily growing; and it is overweighed by the humanity of the measures proposed, and the advantages of disembarrassing ourselves of such dangerous characters. Africa would offer a last and undoubted resort, if all others more desirable should fail us. Whenever the Legislature of Virginia shall have brought its mind to a point, so that I may know xactly what to propose to foreign authorities, I will execute their wishes with fidelity and zeal. hope, however, they will pardon me for suggesting a single question for their own considera- ion. When we contemplate the variety of coun- ries and of sovereigns towards which we may irect our views; the vast revolutions and chan- es of circumstances which are now in a course f progression; the possibilities that arrangements now to be made with a view to any par- cular place may, at no great distance of time, be otally deranged by a change of sovereignty, of overnment, or of other circumstances, it will be or the Legislature to consider whether, after they hall have made all those general provisions which ay be fixed by legislative authority, it would e reposing too much confidence in their Execu- ve to leave the place of relegation to be decided n by them; and executed with the aid of the ederal Executive. They could accommodate eir arrangements to the actual state of things which countries or Powers may be found to exist at that day, and may prevent the effect of the law from being defeated by intervening changes. This, however, is for them to decide. Our duty will be to respect their decision. Accept assurances, &c.

TH. JEFFERSON.

To Governor MONROE.

RICHMOND, *December* 21, 1801.

SIR: I have the pleasure to communicate to the General Assembly a copy of my correspondence with the President of the United States, in compliance with the resolution of the 31st of December last, relative to the purchase of lands without the limits of the State, to which persons obnoxious to its laws or dangerous to the peace of society, may be removed. As it was known that the United States had lands for sale in the Territory lying between the Ohio and the Mississippi, a proposition to make the acquisition by purchase conveyed the idea of a preference for a tract in that quarter; but, as such preference was not declared, and a liberal construction of the resolution admitted a greater scope, I thought it my duty to open the subject in that light to the President. His reply has stated fully and ably the objections which occur to such an establishment within the limits of the United States. He also presents to view all the other places on this continent, and elsewhere, which furnish alternatives, with the advantages and disadvantages attending each; and assures us of the promptitude and zeal with which he will co-operate in carrying into effect whatever plan the Legislature may adopt in reference to the object contemplated. It remains, therefore, for the General Assembly to explain more fully the description of persons who are to be thus transported, and the place to which it is disposed to give the preference. As soon as its sense is declared on those points, I shall hasten to communicate the same to the President, and shall not fail to lay the result before you at your next session. It is proper to add, that it is the wish of the President that the communication be considered as confidential.

I am, sir, with great respect and esteem, your very humble servant,

JAS. MONROE.

To the SPEAKER *of the House of Delegates.*

IN THE HOUSE OF DELEGATES,
Saturday, January 16, 1802.

The Legislature of this Commonwealth, by their resolution of December last, having authorized the Governor to correspond with the President of the United States relative to the purchase of lands without the limits of this State, to which persons obnoxious to the laws or dangerous to the peace of society might be removed, from which general expressions a difference of construction has prevailed; to reconcile which, recourse must be had to the actual state of things which produced the resolution: therefore,

Resolved, That, as the resolution was not intended to embrace offenders for ordinary crimes, to which the laws have been found equal, but only those for conspiracy, insurgency, treason, and rebellion, among those particular persons who produced the alarm in this State in the Fall of 1800, the Governor be requested, in carrying the said resolution into effect upon the construction here given, to request of the President of the United States, in procuring the lands, to prefer the continent of Africa, or any of the Spanish or Portuguese settlements in South America.

Resolved, also, That the Governor be requested to correspond with the President of the United States, for the purpose of obtaining a place, without the limits of the same, to which free negroes or mulattoes, and such negroes or mulattoes as may be emancipated, may be sent, or choose to remove as a place of asylum; and that it is not the wish of the Legislature to obtain, on behalf of those who may remove or be sent thither, the sovereignty of such place.

Resolved, also, That the Governor lay before the next General Assembly the result of his communications, to be subject to their control.

WM. WIRT,
Clerk House of Delegates.

January 23, 1802.—Agreed to by the Senate.

H. BROOKES,
Clerk of the Senate.

A copy. Test:
JAMES PLEASANTS, Jr.,
Clerk House of Delegates.

RICHMOND, *February* 2, 1805.

GENTLEMEN: I have the honor to enclose a resolution of the General Assembly, for an explanation of which I beg leave to refer you to the copies of letters which passed between the President of the United States and Governor Monroe, and to one written by the President to me, and by this mail transmitted to our Senators in Congress; but, for more satisfactory information, I have to refer you to the President himself, to whom I shall apologise for requesting you to trouble him on this occasion; but I know that he will with pleasure give you all the information you may require. From the nature of the delicate business contemplated in the resolution, you will see the propriety of its being considered as secret and confidential.

I am, gentlemen, with great respect, your obedient servant,

JOHN PAGE.

The REPRESENTATIVES FROM VIRGINIA,
in Congress.

VIRGINIA.—General Assembly begun and held at the Capitol, in the City of Richmond, on Monday, the third day of December, in the year of our Lord one thousand eight hundred and four, and of the Commonwealth the twenty-ninth:

Resolved, That the Senators of this State in the Congress of the United States be instructed, and the Representatives requested, to exert their best efforts for the purpose of obtaining from the General Government a competent portion of territory, in the country of Louisiana, to be appropriated to the residence of such people of color as have been or shall be emancipated in Virginia, or may hereafter become dangerous to the public safety: *Provided*, That no contract or arrangement respecting such territory shall be obligatory on this Commonwealth until ratified by the Legislature.

CREED TAYLOR,
Speaker of the Senate.
H. HOLMES,
Speaker House of Delegates.

A copy. Test:
JAMES PLEASANTS, Jr.,
Clerk House of Delegates.

WASHINGTON *December* 27, 1804.

DEAR SIR: Resuming the subject of the resolutions of the House of Delegates of December 31, 1800, January 16, 1802, and February 3. 1804, I have it not in my power to say that any change of circumstances has taken place which enables me yet to propose any specific asylum for the persons who are the subjects of our correspondence. The Island of St. Domingo, our nearest and most convenient recourse, is too unsettled in the conditions of its existence to be looked to as yet for any permanent arrangements: and the European nations having territories in the same quarter, and possessing the same kind of population, are not likely to risk any change in the present state of that population. Whether the inhabitants of our late acquisition beyond the Mississippi, or the National Legislature, would consent that a portion of that country should be set apart for the persons contemplated, is not within my competence to say.

My last information as to Sierra Leone, is, that the company were proposing to deliver up their colony to their Government. Should this take place, it might furnish occasion for another effort to procure an incorporation of ours into it. An attack, during the war, has done the settlement considerable injury.

I beg you to be assured that, having the object of the House of Delegates sincerely at heart, I will keep it under my constant attention, and omit no occasion which may occur of giving it effect.

Accept my affectionate salutations and assurances of great respect and consideration.

TH. JEFFERSON.

Governor PAGE.

CUMBERLAND ROAD.

[Communication to Congress, January 31, 1807.]

To the Senate and House of Representatives of the United States:

In execution of the act of the last session of Congress, entitled "An act to regulate the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio," I appointed Thomas Moore of Maryland, Joseph Kerr of Ohio, and Eli Williams of Maryland, commissioners to lay out the said road, and to perform the other duties assigned to them by the act. The progress which they made in the execution of the work, during the last season, will appear in their report now communicated to Congress; on the receipt of it, I took measures to obtain consent, for making the road of the States of Pennsylvania, Maryland, and Virginia, through which the commissioners propose to lay it out. I have received acts of the Legislature of Maryland and Virginia, giving the consent desired; that of Pennsylvania has the subject still under consideration, as is supposed. Until I receive full consent to a free choice of route through the whole distance, I have thought it safest neither to accept nor reject finally the partial report of the commissioners.

Some matters suggested in the report belong exclusively to the Legislature.

TH. JEFFERSON.

JANUARY 31, 1807.

The Commissioners acting by appointment under the law of Congress, entitled "An act to regulate the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio," beg leave to report to the President of the United States, and to premise that the duties imposed by the law became a work of greater magnitude, and a task much more arduous, than was conceived before entering upon it; from which circumstance, the commissioners did not allow themselves sufficient time for the performance of it before the severity of the weather obliged them to retire from it, which was the case in the first week in the present month, (December.) That, not having fully accomplished their work, they are unable fully to report a discharge of all the duties enjoined by the law; but, as the most material and principal part has been performed, and as a communication of the progress already made may be useful and proper during the present session of Congress, and of the Legislatures of those States through which the route passes, the commissioners respectfully state: that at a very early period it was conceived that the maps of the country were not sufficiently accurate to afford a minute knowledge of the true courses between the extreme points on the rivers, by which the researches of the commissioners were to be governed; a survey for that purpose became indispensable, and considerations of public economy suggested the propriety of making this survey precede the personal attendance of the commissioners.

Josias Thompson, a surveyor of professional merit, was taken into service and authorized to employ two chain-carriers and a marker, as well as one vaneman, and a packhorse man, and horse, on public account; the latter being indispensable and really beneficial in accelerating the work. The surveyors' instructions are contained in document No. 1, accompanying this report.

Calculating on a reasonable time for the performance of the instructions to the surveyor, the commissioners, by correspondence, fixed on the 1st day of September last, for their meeting at Cumberland, to proceed in the work; neither of them, however, reached that place until the 3d of that month, on which day they all met.

The surveyor having, under his instructions, laid down a plat of his work, showing the meanders of the Potomac and Ohio rivers, within the limits prescribed for the commissioners, as also the road between those rivers which is commonly travelled from Cumberland to Charlestown, in part called Braddock's road; and the same being produced to the commissioners, whereby straight lines and their true courses were shown between the extreme points on each river, and the boundaries which limit the powers of the commissioners being thereby ascertained, serving as a basis whereon to proceed in the examination of the grounds and face of the country; the commissioners thus prepared commenced the business of exploring; and in this it was considered that a faithful discharge of the discretionary powers vested by the law made it necessary to view the whole to be able to judge of a preference due to any part of the grounds, which imposed a task of examining a space comprehending upwards of two thousand square miles; a task rendered still more incumbent by the solicitude and importunities of the inhabitants of every part of the district, who severally conceived their grounds entitled to a preference.

It becoming necessary, in the interim, to run various lines of experiment for ascertaining the geographical position of several points entitled to attention, and the service suffering great delay for want of another surveyor, it was thought consistent with the public interest to employ, in that capacity, Arthur Rider, the vaneman, who had been chosen with qualifications to meet such an emergency, and whose service as vaneman could then be dispensed with; he commenced, as surveyor, on the 22d day of September, and continued so at field-work until the first day of December, when he was retained as a necessary assistant to the principal surveyor, in copying field notes as hastening the draught of the work to be reported. The proceedings of the commissioners are specially detailed in their general journal, compiled from the daily journal of each commissioner, to which they beg leave to refer under mark No. 2.

After a careful and critical examination of all the grounds within the limits prescribed, as well as the grounds and ways out from the Ohio westwardly at several points, and examining the shoal parts of the Ohio river as detailed in the table of soundings, stated in their journal, and after gaining all the information, geographical, general and special, possible and necessary, towards a judicious discharge of the duties assigned them, the commissioners repaired to Cumberland, to examine and compare their notes and journals, and determine upon the direction and location of their route.

In this consultation the governing objects were:

1st. Shortness of distance between navigable points on the eastern and western waters.

2d. A point on the Monongahela best calculated to equalise the advantages of this portage in the country within reach of it.

3d. A point on the Ohio river most capable of combining certainty of navigation with road accommodation; embracing, in this estimate, remote points westwardly, as well as present and probable population on the north and south.

4th. Best mode of diffusing benefits with least distance of road.

In contemplating these objects, due attention was paid as well to the comparative merits of towns, establishments, and settlements already made, as to the capacity of the country with the present and probable population.

In the course of arrangement, and in its order, the first point located for the route was determined and fixed at Cumberland, a decision founded on propriety, and in some measure on necessity, from the circumstance of a high and difficult mountain called Nobley, laying and confining the east margin of the Potomac, so as to render it impossible of access on that side without immense expense, at any point between Cumberland, and where the road from Winchester to Gwynn's crosses, and even there the Nobley mountain is crossed with much difficulty and hazard. And this upper point was taxed with another formidable objection; it was found that a high range of mountains called Dan's, stretching across from Gwynn's to Potomac, above this point, precluded the opportunity of extending a route from this point in a proper direction, and left no alternative but passing by Gwynn's; the distance from Cumberland to Gwynn's being upwards of a mile less than from the upper point, which lies ten miles by water above Cumberland, the commissioners were not permitted to hesitate in preferring a point which shortens the portage as well as the Potomac navigation.

The point on the Potomac being viewed as a great repository of produce which a good road will bring from the west of Laurel Hill, and the advantages which Cumberland, as a town, has in that respect over an unimproved place, are additional considerations operating forcibly in favor of the place preferred.

In extending the route from Cumberland, a triple range of mountains, stretching across from Jening's run in measure with Gwynn's, left only the alternative of laying the road up Will's creek for three miles, nearly at right angles with the true course, and then by way of Jening's run, or extending it over a break in the smallest mountain on a better course by Gwynn's to the top of Savage mountain: the latter was adopted, being the shortest, and will be less expensive in hill-side digging over a sloped route than the former, requiring one bridge over Will's creek, and several over Jening's run, both very wide and considerable streams in high water; and a more weighty reason for preferring the route by Gwynn's is, the great accommodation it will afford travellers from Winchester by the upper point who could not reach the route by Jening's run short of the top of Savage, which would withhold from them the benefit of an easy way up that mountain. It is, however, supposed that those who travel from Winchester by way of the upper point to Gwynn's, are in that respect more the dupes of common prejudice than judges of their own ease, as it is believed the way will be as short, and on much better ground, to cross the Potomac below the confluence of the north and south branches (thereby crossing these two, as well as Patterson's creek, in one stream, equally fordable in the same season) than to pass through Cumberland to Gwynn's. Of these grounds, however, the commissioners do not speak from actual view, but consider it a subject well worthy of future investigation.

Having gained the top of Allegany mountain, or rather the top of that part called Savage, by way of Gwynn's, the general route as it respects the most important points, was determined as follows, viz:

From a stone at the corner of lot No. 1, in Cumberland, near the confluence of Will's creek and the north branch of Potomac river; thence extending along the street westwardly, to cross the hill lying between Cumberland and Gwynn's, at the gap where Braddock's road passes it; thence near Gwynn's and Jesse Tomlinson's, to cross the Big Youghiogana, near the mouth of Rogers' run, between the crossing of Braddock's road and the confluence of the streams which form the Turkey foot; thence to cross Laurel Hill, near the forks of Dunbar's run, to the west foot of that hill, at a point near where Braddock's old road reached it, near Guest's old place, now Colonel Isaac Mason's; thence through Brownsville and Bridgeport, to cross the Monongahela river below Josias Crawford's ferry; and thence on as straight a course as the country will admit to the Ohio at, a point between the mouth of Wheelen creek and the lower point of Wheelen island.

In this direction of the route, it will lay about twenty-four and a half miles in Maryland, seventy-five miles and a half in Pennsylvania, and twelve miles in Virginia; distances which will be in a small degree increased by meanders, which the bed of the road must necessarily make between the points mentioned in the location; and this route, it is believed, comprehends more important advantages than could be afforded in any other, inasmuch as it has a capacity at least equal to any other in extending advantages of a highway, and at the same time establishes the shortest portage between the points already navigated, and on the way accommodates other and nearer points to which navigation may be extended, and still shorten the portage.

It intersects Big Youghiogana at the nearest point from Cumberland, then lies nearly parallel with that river for the distance of twenty miles, and at the west foot of Laurel Hill lies within five miles of Connelsville, from which the Youghiogana is navigated; and in the same direction the route intersects at Brownsville, the nearest point on the Monongahela river within the district. The improvement of the Youghiogana navigation is a subject of too much importance to remain long neglected; and the capacity of that river, as high up as the falls, (twelve miles above Connelsville,) is said to be equal, at a small expense, with the parts already navigated below. The obstructions at the falls, and a rocky rapid near Turkey Foot, constitute the principal impediments in that river to the intersection of the route, and as much higher as the stream has a capacity for navigation; and these difficulties will doubtless be removed when the intercourse shall warrant the measure. Under these circumstances the portage may be thus stated:

	Miles.
From Cumberland to Monongahela - -	66½
From Cumberland to a point in measure with Connelsville, on the Youghiogana river - - - - - - -	51½
From Cumberland to a point in measure with the lower end of the falls of Youghiogana, which will lie two miles north of the public road - - - - -	43
From Cumberland to the intersection of the route with the Youghiogana river -	34

Nothing is here said of the Little Youghiogana, which lies nearer Cumberland; the stream being unusually crooked, its navigation can only become the work of a redundant population.

The point which this route locates, at the west foot of Laurel Hill, having cleared the whole of the Alleghany mountain, is so situated as to extend the advantages of an easy way through the great barrier, with more equal justice to the best parts of the country between Laurel Hill and the Ohio. Lines from this point to Pittsburg and Morgantown, diverging nearly at the same angle, open upon equal terms to all parts of the Western country that can make use of this portage; and which may include the settlements from Pittsburg, up Big Beaver, to the Connecticut reserve, on Lake Erie, as well as those on the southern borders of the Ohio and all the intermediate country.

Brownsville is nearly equidistant from Big Beaver and Fishing Creek, and equally convenient to all the crossing places on the Ohio between these extremes. As a port, it is at least equal to any on the Monongahela within the limits, and holds superior advantages in furnishing supplies to emigrants, traders, and other travellers by land or water.

Not unmindful of the claims of towns, and their capacity of reciprocating advantages on public roads, the commissioners were not insensible of the disadvantage which Uniontown must feel from the want of that accommodation which a more southwardly direction of the route would have afforded; but as that could not take place without a relinquishment of the shortest passage, considerations of public benefit could not yield to feelings of minor import. Uniontown being the seat of justice for Fayette county, Pennsylvania, is not without a share of public benefits, and may partake of the advantages of this portage upon equal terms with Connelsville, a growing town, with the advantage of respectable water-works adjoining, in the manufactory of flour and iron.

After reaching the nearest navigation on the western waters at a point best calculated to diffuse the benefits of a great highway in the greatest possible latitude east of the Ohio, it was considered that, to fulfil the objects of the law, it remained for the commissioners to give such a direction to the road as would best secure a certainty of navigation on the Ohio at all seasons, combining, as far as possible, the inland accommodation of remote points westwardly.

It was found that the obstructions in the Ohio within the limits, between Steubenville and Grave Creek, lay principally above the town and mouth of Wheeling; a circumstance ascertained by the commissioners in their examination of the channel, as well as by common usage, which has long given a decided preference to Wheeling as a place of embarkation and port of departure in dry seasons. It was also seen that Wheeling lay in a line from Brownsville to the centre of the State of Ohio and Post Vincennes. These circumstances favoring and corresponding with the chief objects in view in this last direction of the route, and the ground from Wheeling westwardly being known of equal fitness with any other way out from the river, it was thought most proper, under these several considerations, to locate the point mentioned below the mouth of Wheeling. In taking this point in preference to one higher up, and in the town of Wheeling, the public benefit and convenience were consulted, inasmuch as the present crossing place over the Ohio from the town is so contrived and confined as to subject passengers to extraordinary ferriage and delay, by entering and clearing a ferry-boat on each side of Wheeling island, which lies before the town, and precludes the opportunity of fording when the river is crossed in that way above and below the island. From the point located, a safe crossing is afforded at the lower point of the island by a ferry in high, and a good ford at low water.

The face of the country within the limits prescribed is generally very uneven, and in many places broken by a succession of high mountains and deep hollows, too formidable to be reduced within five degrees of the horizon, but by crossing them obliquely, a mode which, although it imposes a heavy task of hill-side digging, obviates generally the necessity of reducing hills and filling hollows, which, on these grounds, would be an attempt truly quixotic. This inequality of the surface is not confined to the Allegany mountain; the country between the Monongahela and Ohio rivers, although less elevated, is not better adapted for the bed of a road, being filled with impediments of hills and and hollows which present considerable difficulties, and wants that superabundance and convenience of stone, which is found in the mountain.

The indirect course of the road now travelled, and the frequent elevations and depressions which occur, that exceed the limits of the law, preclude the possibility of occupying it in any extent, without great sacrifice of distance, and forbid the use of it, in any one part, for more than half a mile, or more than two or three miles in the whole.

The expense of rendering the road now in contemplation passable may, therefore, amount to a larger sum than may have been supposed necessary, under an idea of embracing in it a considerable part of the old road; but it is believed that the contrary will be found most correct, and that a sum sufficient to open the new could not be expended on the same distance of the old road with equal benefit.

The sum required for the road in contemplation will depend on the style and manner of making it; as a common road cannot remove the difficulties which always exist on deep grounds, and particularly in wet seasons, and as nothing short of a firm, substantial, well formed, stone capped road, can remove the causes which led to the measure of improvement, or render the institution as commodious as a great and growing intercourse appears to require, the expense of such a road next becomes the subject of inquiry.

In this inquiry the commissioners can only form an estimate by recurring to the experience of Pennsylvania and Maryland in the business of artificial roads. Upon this data, and a comparison of the grounds and proximity of the materials for covering, there are reasons for belief that, on the route reported, a complete road may be made at an expense not exceeding six thousand dollars per mile, exclusive of bridges over the principal streams on the way. The average expense of the Lancaster, as well as Baltimore and Frederick turnpike, is considerably higher; but it is believed that the convenient supply of stone which the mountain affords will, on those grounds, reduce the expense to the rate here stated.

As to the policy of incurring this expense, it is not the province of the commissioners to declare; but they cannot, however, withhold assurances of a firm belief that the purse of the nation cannot be more seasonably opened, or more happily applied, than in promoting the speedy and effectual establishment of a great and easy road, on the way contemplated.

In the discharge of all these duties, the commissioners have been actuated by an ardent desire to render the institution as useful and commodious as possible; and, impressed with a strong sense of the necessity which urges the speedy establishment of the road, they have to regret the circumstance which delays the completion of the part assigned them. They, however, in some measure, content themselves with the reflection that it will not retard the progress of the work, as the opening of the road cannot commence before spring, and may then begin with the marking the way.

The extra expense incident to the service from the necessity (and propriety, as it relates to public economy,) of employing men not provided for by law, will, it is hoped, be recognised, and provision made for the payment of that and similar expenses, when in future it may be indispensably incurred.

The commissioners having engaged in a service in which their zeal did not permit them to calculate the difference between their pay and the expense to which the service subjected them, cannot suppose it the wish or intention of the Government to accept of their services for a mere indemnification of their expense of subsistence, which will be very much the case under the present allowance; they, therefore, allow themselves to hope and expect that measures will be taken to provide such further compensation as may, under all circumstances, be thought neither profuse nor parsimonious.

The painful anxiety manifested by the inhabitants of the district explored, and their general desire to know the route determined on, suggested the measure of promulgation, which, after some deliberation, was agreed on by way of circular letter, which has been forwarded to those persons to whom precaution was useful, and afterwards sent to one of the presses in that quarter for publication in the form of the document No. 3, which accompanies this report.

All which is, with due deference, submitted.

ELI WILLIAMS,
THOMAS MOORE,
JOSEPH KERR.

DECEMBER 30, 1806.

BURR'S CONSPIRACY.

[The following documents accompanied the President's Message to Congress, of January 22d, 1807. The Message will be found in the Senate proceedings of that date, *ante* page 39.]

Deposition of General Wilkinson.

NEW ORLEANS, *Nov.* 25, 1806.

On the 30th of the same month I waited in person on Doctor E. Bollman, when he informed me that he had not heard from Colonel Burr since his arrival here; that he (the said Doctor E. Bollman) had sent despatches to Colonel Burr by a Lieutenant Spence of the Navy, and that he had been advised of Spence's arrival at Nashville, in the State of Tennessee, and observed that Colonel Burr had proceeded too far to retreat; that he (Colonel Burr) had numerous and powerful friends in the United States, who stood pledged to support him with their fortunes, and that he must succeed; that he (the said Doctor E. Bollman) had written to Colonel Burr on the subject of provisions, and that he expected a supply would be sent from New York and also from Norfolk, where Colonel Burr had strong connexions. I did not see or hear from the Doctor until the 5th instant, when I called on him the second time. The mail having arrived the day before, I asked him whether he had received any intelligence from Colonel Burr. He informed me that he had seen a letter from Colonel Burr of the 30th of October, in which he (Colonel Burr) gave assurances that he should be at Natchez with two thousand men on the 20th of December instant, where he should wait until he heard from this place; that he would be followed by four thousand more, and that he, (Colonel Burr,) if he had chosen, could have raised or got twelve thousand as easy as six thousand, but that he did not consider that number necessary. Confiding fully in this information, I became indifferent about further disguise. I then told the Doctor that I should most certainly oppose Colonel Burr if he came this way. He replied, that they must come here for equipments and shipping; and observed, that he did not know what had passed between Colonel Burr and myself; obliqued at a sham defence, and waived the subject.

From the documents in my possession, and the several communications, verbal as well as written, from the said Doctor Erick Bollman on this subject, I feel no hesitation in declaring, under the solemn obligation of an oath, that he has committed misprision of treason against the Government of the United States.

JAMES WILKINSON.

Signed and sworn to this 14th day of December, 1806, before me, one of the justices of the peace of this county.

J. CARRICK.

PHILADELPHIA, *July* 25, 1806.

DEAR SIR: Mr. Swartwout, the brother of Colonel S. of New York, being on the way down the Mississippi, and presuming he may pass you at some post on the river, has requested of me a letter of introduction, which I give with pleasure, as he is a most amiable young man, and highly respectable from his character and connexions. I pray you to afford him any friendly offices which his situation may require, and beg you to pardon the trouble which this may give you.

With entire respect, your friend and obedient servant,
A. BURR.

His Excellency GENERAL WILKINSON.

Extract a letter from General James Wilkinson, dated

NEW ORLEANS, *Dec.* 14, 1806.

After several consultations with the Governor and judges, touching the arrest and confinement of certain known agents and emissaries of Colonel Burr, in this city and Territory, whose intrigues and machinations were to be apprehended, it is with their privity and approbation that I have caused three of them to be arrested, viz: Dr. Erick Bollman, Samuel Swartwout, and Peter V. Ogden, against whom I possess strong facts, and I have recommended to the Governor to have James Alexander, Esq., taken up on the ground of strong suspicion. These persons, and all others, who, by their character and deportment, may be considered hostile to the interests of the United States, or dangerous to this feeble frontier, under the menacing aspect of things from above, will, if my influence can prevail, be seized and sent by sea to the United States, subject to the disposition of Government, and accompanied with such information as may justify their confinement, and furnish a clew to the developement of the grounds, progress, and projectors of the treasonable enterprise in which they are engaged.

This letter will accompany Dr. Bollman, who is to be this day embarked in a vessel bound for Charleston, under the charge of Lieutenant Wilson of the artillery, who has orders to land with his prisoner at Fort Johnston or Fort Moultrie, to forward this despatch by mail, and to wait the orders of the Executive. Mr. Swartwout will be sent to Baltimore by a vessel which will sail some time the ensuing week, in custody of another subaltern, who will be the bearer of strong testimony against him and also Colonel Burr; and the others will follow, under due precautions, by the earliest opportunities which may present.

I deem it essential to keep these prisoners apart, to prevent the adjustment of correspondent answers or confessions to any examinations which may ensue; and I hope the measures of the Executive may be so prompt and efficient as to relieve the officers in charge of them from their trust before the interposition of the friends of the prisoners may effect their liberation.

By this procedure we may intimidate the confederates, who are unquestionably numerous in this as well as the adjacent Territory, disconcert their arrangements, and possibly destroy their intrigues; and I hope the zeal which directs the measure may be justified and approved, for while the glow of patriotism actuates my conduct, and I am willing to offer myself a martyr to the Constitution of my country, I should indeed be most grievously disappointed did I incur its censure.

Here, sir, we find the key to the Western States, and here we must form one grand depository and place of arms. Combine to this disposition a river fleet competent to its occlusion, and post it thirty or forty leagues above the Yazoo river, and we may repose in security; for the discontent and sufferings of our insurgent citizens, which must immediately ensue, will soon open their eyes to the wickedness of their leaders, and work a radical reformation without bloodshed. This is my plan for resisting an internal attack; for external defence, gunboats and bomb-ketches, with floating batteries, at the mouths of the Mississippi and the passes from Lake Pontchartrain, will be necessary.

Extract of a letter from General James Wilkinson, dated

NEW ORLEANS, *Dec.* 18, 1806.

SIR: Since my last of the 14th instant, writs of habeas corpus have been issued for the bodies of Bollman, Swartwout, and Ogden, the two latter by Judge Workman, who is strongly suspected of being connected with Burr in his conspiracy, as I have proof this man declared some time since that "the republican who possessed power, and did not employ it to establish a despotism, was a fool." His writ for Ogden was served on Captain Shaw of the Navy, who had him in charge, at my request, on board the Etna bomb ketch, and delivered him up, and Mr. Workman discharged him, without giving me a word of information, although he knew he was confined by my order for a treasonable combination with Burr, and Mr. Ogden now struts at large. Swartwout

I have sent off, and shall so report, holding myself ready for consequences. Bollman was required by the superior court, but I have got rid of that affair also, under the usual liability for damages; in which case I shall look to our country for protection.

I, James Wilkinson, Brigadier General and Commander-in-chief of the Army of the United States, to warrant the arrest of Dr. Erick Bollman, on a charge of treason, misprision of treason, or such other offence against the Government and laws of the United States, as the following facts may legally charge him with, on my honor, as a soldier, and on the Holy Evangelists of Almighty God, do declare and swear, that, on the sixth day of November last, when in command at Natchitoches, I received, by the hands of a Frenchman, a stranger to me, a letter from Dr. Erick Bollman, of which the following is a correct copy:

New Orleans, *Sept.* 27, 1806.

Sir: I have the honor to forward to your Excellency the enclosed letters, which I was charged to deliver to you by our mutual friend. I shall remain for some time at this place, and should be glad to learn where and when I may have the pleasure of an interview with you. Have the goodness to inform me of it, and please to direct your letter to me, care of ——, or enclose it under cover to them.

I have the honor to be, with great respect, sir, your Excellency's most obedient servant,

ERICK BOLLMAN.

General Wilkinson.

Covering a communication in cipher from Colonel Aaron Burr, of which the following is substantially as fair an interpretation as I have heretofore been able to make, the original of which I hold in my possession.

"I, Aaron Burr, have obtained funds, and have actually commenced the enterprise. Detachments from different points, and under different pretences, will rendezvous on the Ohio 1st November. Everything internal and external favors views. Protection of England is secured. T.* is gone to Jamaica to arrange with the Admiral on that station, and will meet at the Mississippi—England—navy of the United States are ready to join, and final orders are given to my friends and followers. It will be a host of choice spirits. Wilkinson shall be second to Burr only. Wilkinson shall dictate the rank and promotion of his officers. Burr will proceed westward, 1st August, never to return: with him goes his daughter: the husband will follow in October, with a corps of worthies. Send forthwith an intelligent and confidential friend with whom Burr may confer. He shall return immediately with further interesting details: this is essential to concert and harmony of movement. Send a list of all persons known to Wilkinson west of the mountains, who could be useful, with a note delineating their characters. By your messenger send me four or five of the commissions of your officers, which you can borrow under any pretence you please. They shall be returned faithfully. Already are orders to the contractor to forward six months' provisions to points Wilkinson may name. This shall not be used until the last moment, and then under proper injunctions. The project is brought to the point so long desired. Burr guaranties the result with his life and honor—the lives, the honor, and fortune of hundreds, the best blood of our country. Burr's plan of operations is to move down rapidly from the Falls on the 15th of November, with the first five hundred or one thousand men in light boats, now constructing for that purpose, to be at Natchez between the 5th and 15th of December: then to meet Wilkinson: then to determine whether it will be expedient, in the first instance, to seize on or pass by Baton Rouge. On receipt of this send Burr an answer. Draw on Burr for all expenses, &c. The people of the country to which we are going are prepared to receive us; their agents, now with Burr, say that, if we will protect their religion, and will not subject them to a foreign Power, in three weeks all will be settled.

"The gods invite to glory and fortune: it remains to be seen whether we deserve the boon. The bearer of this goes express to you: he will hand a formal letter of introduction to you from Burr, a copy of which is hereunto subjoined: he is a man of inviolable honor and perfect discretion: formed to execute rather than to project; capable of relating facts with fidelity and incapable of relating them otherwise. He is thoroughly informed of the plans and intentions of ——, and will disclose to you as far as you may inquire, and no further. He has imbibed a reverence for your character, and may be embarrassed in your presence: put him at ease, and he will satisfy you. Dr. Bollman, equally confidential, better informed on the subject, and more intelligent, will hand this duplicate.

"29th July."

The day after my arrival in this city, the 26th of November last, I received another letter from the Doctor, of which the following is a correct copy:

Sir: Your letter of the 6th instant has been duly received. Supposing that you will be much engaged this morning, I defer waiting on your Excellency till you will be pleased to inform me of the time when it will be convenient to you to see me.

I remain, with great respect, your Excellency's most obedient servant,

ERICK BOLLMAN.

[Communicated to Congress, January 26, 1807.]

To the Senate and House of
Representatives of the United States:

I received from General Wilkinson, on the 23d instant, his affidavit charging Samuel Swartwout, Peter V. Ogden, and James Alexander, with the crimes described in the affidavit, a copy of which is now communicated to both Houses of Congress.

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* Truxtun.

It was announced to me at the same time, that Swartwout and Bollman, two of the persons apprehended by him, were arrived in this city in custody each of a military officer. I immediately delivered to the Attorney of the United States in this district the evidence received against them, with instructions to lay the same before the judges, and apply for their process to bring the accused to justice; and I put into his hands orders to the officers having them in custody to deliver them to the marshal, on his application.

TH. JEFFERSON.

JANUARY 26, 1807.

I, James Wilkinson, Brigadier General and Commander-in-chief of the Army of the United States, to warrant the arrest of Samuel Swartwout, James Alexander, Esq., and Peter V. Ogden, on a charge of treason, misprision of treason, or such other offence against the Government and laws of the United States, as the following facts may legally charge them with, on the honor of a soldier, and on the Holy Evangelists of Almighty God, do declare and swear, that, in the beginning of the month of October last, when in command at Natchitoches, a stranger was introduced to me by Colonel Cushing, by the name of Swartwout, who, a few minutes after the Colonel retired from the room, slipped into my hand a letter of formal introduction from Colonel Burr, of which the following is a correct copy:

PHILADELPHIA, *July* 25, 1806.

DEAR SIR: Mr. Swartwout, the brother of Colonel S. of New York, being on his way down the Mississippi, and presuming that he may pass you at some post on the river, has requested of me a letter of introduction, which I give with pleasure, as he is a most amiable young man, and highly respectable from his character and connexions. I pray you to afford him any friendly offices which his situation may require, and beg you to pardon the trouble which this may give you.

With entire respect, your friend and obedient servant, A. BURR.

His Excellency General WILKINSON.

Together with a packet which he informed me he was charged by the same person to deliver me in private. This packet contained a letter in cipher from Colonel Burr, of which the following is substantially as fair an interpretation as I have heretofore been able to make, the original of which I hold in my possession.

"I, Aaron Burr, have obtained funds, and have actually commenced the enterprise. Detachments from different points, and under different pretences, will rendezvous on the Ohio, 1st November; everything internal and external favors views; protection of England is secured; T. is going to Jamaica to arrange with the Admiral on that station; it will meet on the Mississippi—England—Navy of the United States are ready to join, and final orders are given to my friends and followers; it will be a host of choice spirits; Wilkinson shall be second to Burr only; Wilkinson shall dictate the rank and promotion of his officers; Burr will proceed westward 1st August, never to return; with him go his daughter; the husband will follow in October with a corps of worthies.

"Send forthwith an intelligent and confidential friend with whom Burr may confer, he shall return immediately with further interesting details; this is essential to concert and harmony of movement. Send a list of all persons known to Wilkinson west of the mountains who may be useful, with a note delineating their characters. By your messenger send me four or five of the commissions of your officers, which you can borrow under any pretence you please; they shall be returned faithfully. Already are orders to the contractor given to forward six months' provisions to points Wilkinson may name. This shall not be used until the last moment, and then under proper injunctions. The project is brought to the point so long desired. Burr guaranties the result with his life and honor; with the lives, the honor, and fortune of hundreds, the best blood of our country. Burr's plan of operations is to move down rapidly from the Falls on the 15th November, with the first five hundred or one thousand men in light boats, now constructing for that purpose, to be at Natchez between the 5th and 15th of December, there to meet Wilkinson, there to determine whether it will be expedient, in the first instance, to seize on or pass by Baton Rouge on receipt of this. Send Burr an answer; draw on Burr for all expenses, &c. The people of the country to which we are going are prepared to receive us. Their agents, now with Burr, say, that if we will protect their religion, and will not subject them to a foreign Power, in three weeks all will be settled. The gods invite to glory and fortune. It remains to be seen whether we deserve the boon. The bearer of this goes express to you; he will hand a formal letter of introduction to you from Burr; he is a man of inviolable honor and perfect discretion, formed to execute rather than to project; capable of relating facts with fidelity, and incapable of relating them otherwise. He is thoroughly informed of the plans and intentions of ——, and will disclose to you as far as you inquire, and no further. He has imbibed a reverence for your character, and may be embarrassed in your presence; put him at ease, and he will satisfy you."—20th July.

I instantly resolved to avail myself of the reference made to the bearer, and, in the course of some days, drew from him (the said Swartwout) the following disclosure:

"That he had been despatched by Colonel Burr from Philadelphia; had passed through the States of Ohio and Kentucky, and proceeded from Louisville for St. Louis, where he expected to find me; but discovering at Kaskaskias that I had descended the river, he procured a skiff, hired hands, and followed me down the Mississippi to Fort Adams; and from thence set out for Natchitoches, in company with Captains Sparke and Hooke, under the pretence of a disposition to take part in the campaign against the Spaniards, then depending. That Colonel Burr, with the support of a powerful association, extending from New York to New Orleans, was levying an armed body of seven thousand men from the State of New York and the Western States and Territories, with a view to carry an expedition against the Mexican provinces; and that five hundred men, under Colonel Swartwout and a Colonel or Major Tyler, were to descend the Allegany, for whose accommodation light boats had been built and were ready."

I inquired, what would be their course? He said: "This Territory would be revolutionized, where the people were ready to join them; and that there would be some seizing, he supposed at New Orleans; that they expected to be ready to embark about the 1st of February; and intended to land at Vera Cruz, and to march from thence to Mexico." I observed, that there were several millions of dollars in the bank of this place; to which he replied, "we know it full well;" and, on my remarking that they certainly did not mean to violate private property, he said: They meant to borrow, and would return it; that they must equip themselves in New Orleans; that they expected naval protection from Great Britain; that the captains and the officers of our navy were so disgusted with the Government that they were ready to join; that similar disgusts prevailed throughout the Western country, where the people were zealous in favor of the enterprise; and that pilot-boat built schooners were contracted for along our Southern coast for their service; that he had been accompanied from the Falls of Ohio to Kaskaskias, and from thence to Fort Adams by a Mr. Ogden, who had proceeded on to New Orleans with letters from Colonel Burr to his friends there." Swartwout asked me, whether I had heard from Doctor Bollman; and, on my answering in the negative, he expressed great surprise, and observed, "that the Doctor and a Mr. Alexander had left Philadelphia before him with despatches for me; and that they were to proceed by sea to New Orleans, where, he said, they must have arrived."

Though determined to deceive him, if possible, I could not refrain telling Mr. Swartwout it was impossible that I could ever dishonor my commission; and I believe I duped him by my admiration of the plan, and by observing "that, although I could not join in the expedition, the engagements which the Spaniards had prepared for me in my front might prevent my opposing it." Yet I did, the moment I had deciphered the letter, put it into the hands of Colonel Cushing, my Adjutant and Inspector; making the declaration that I should oppose the lawless enterprise with my utmost force. Mr. Swartwout informed me that he was under engagements to meet Colenel Burr at Nashville on the 20th of November, and requested of me to write to him, which I declined; and on his leaving Natchitoches about the 18th of October, I immediately employed Lieutenant T. A. Smith to convey the information in substance to the President without the commitment of names; for, from the extraordinary nature of the project and the more extraordinary appeal to me, I could but doubt its reality, notwithstanding the testimony before me; and I did not attach solid belief to Mr. Swartwout's reports respecting their intentions on this Territory and city, until I received confirmatory advice from St. Louis.

After my return from the Sabine I crossed the country to Natchez, and, on my descent of the Mississippi from that place I found Swartwout and Peter V. Ogden at Fort Adams; with the latter I held no communication, but was informed by Swartwout that he (Ogden) had returned so far from New Orleans on his route to Tennessee, but had been so much alarmed by certain reports in circulation, that he was afraid to proceed. I inquired whether he bore letters with him from New Orleans, and was informed by Swartwout that he did not; but that a Mr. Spence had been sent from New Orleans through the country to Nashville with letters to Colonel Burr.

I reached this city the 25th ultimo, and on the next morning James Alexander, Esq., visited me; he inquired of me, aside, whether I had seen Dr. Bollman? and, on my answering in the negative, he asked me whether I would suffer him to conduct Bollman to me? which I refused. He appeared desirous to communicate something, but I felt no inclination to inculpate this young man, and he left me. A few days after, he paid me a second visit, and seemed desirous to communicate, which I avoided until he had risen to take leave; I then raised my finger, and observed, "take care, you are playing a dangerous game." He answered, "it will succeed." I again observed "take care;" and he replied, with a strong affirmation, "Burr will be here by the beginning of next month." In addition to these corroborating circumstances against Alexander, I beg leave to refer to the accompanying documents A, B, from all which I feel no hesitation in declaring, under the solemn obligation of an oath, that I do believe the said Swartwout, Alexander, and Ogden, have been parties to, and have been concerned in, the insurrection formed or forming in the States and Territories on the Ohio and Mississippi rivers, against the laws and Constitution of the United States.

JAMES WILKINSON.

Sworn to and subscribed before me, this 26th day of December, in the year of our Lord one thousand eight hundred and six.

GEORGE POLLOCK,
Justice of Peace for Orleans county.

[Communicated to Congress, January 28, 1807.]

To the Senate and House of
Representatives of the United States:

By the letters of Capt. Bissel, who commands at Fort Massac, and of Mr. Murrell to General Jackson, of Tennessee, copies of which are now communicated to Congress, it will be seen that Aaron Burr passed Fort Massac, on the 31st of December, with about ten boats, navigated by about six hands each, without any military appearance; and that three boats with ammunition were said to have been arrested by the militia at Louisville.

As the guards of militia, posted on various points of the Ohio, will be able to prevent any further aids passing through that channel, should any be attempted, we may now estimate with tolerable certainty the means derived from the Ohio and its waters toward the accomplishment of the purposes of Mr. Burr.

TH. JEFFERSON.

NASHVILLE, *Jan.* 8, 1807.

SIR: I received your instructions dated the 2d instant, and agreeably thereto, I delivered your letter, addressed to General Thomas Johnson, to Colonel Cheatham, and it was forwarded to him immediately. I arrived at Centreville on the 4th instant; heard a report there that Colonel Burr had gone down the river with one thousand armed men; arrived at the mouth of Cumberland river that evening, and made inquiry concerning Colonel Burr; and was informed that he left that place on the 28th December, 1806, with ten boats, of different descriptions; had sixty men on board, but no appearance of arms. I left there on the 5th instant, and arrived at Fort Massac that evening; delivered your letter to Captain Bissel and received his answer; made some inquiries of him, and was informed that Colonel Burr had left that place on the 30th December, 1806, with ten boats. He likewise informed me that he had been on board the boats, and seen no appearance of arms or ammunition. On my return to the mouth of Cumberland river, I was informed that three boats had been stopped at Louisville, with a quantity of ammunition. There are about fifty men stationed at the mouth of Cumberland, under command of Colonel Ramsey.

I remain, with the highest esteem, yours,

JOHN MURRELL.

Gen. ANDREW JACKSON.

FORT MASSAC, *Jan.* 5, 1807.

SIR: This day, per express, I had the honor to receive your very interesting letter of the 2d instant; I shall pay due respect to its contents; as yet I have not received the President's Proclamation alluded to, nor have I received any orders from the Department of War relative to the subject matter of your letter.

There has not, to my knowledge, been any assemblage of men or boats, at this or any other place, unauthorized by law or precedency; but, should anything of the kind make its appearance, which carries with it the least mark of suspicion, as having illegal enterprises or projects in view, hostile to the peace and good order of Government, I shall, with as much ardor and energy as the case will admit, endeavor to bring to justice all such offenders.

For more than two weeks last past I have made it a point to make myself acquainted with the loading and situation of all boats descending the river. As yet there has nothing the least alarming appeared. On or about the 31st ultimo, Col. Burr, late Vice President of the United States, passed this with about ten boats, of different descriptions, navigated with about six men each, having nothing on board that would even suffer a conjecture, more than a man bound to market; he has descended the rivers toward Orleans. Should anything, to my knowledge, transpire, interesting to Government, I will give the most early notice in my power.

I have the honor to be, respectfully, sir, your obedient servant,

DANIEL BISSEL.

General ANDREW JACKSON.

[Communicated to Congress, February 10, 1807.]

To the Senate and House of
Representatives of the United States:

I communicate, for the information of Congress a letter from Cowles Mead, Secretary of the Mississippi Territory, to the Secretary of War, by which it will be seen that Mr. Burr had reached that neighborhood on the 13th January.

TH. JEFFERSON.

FEBRUARY 10, 1807.

Extract of a letter from Cowles Mead, Secretary and acting Governor of the Mississippi Territory, to the Department of War, dated

WASHINGTON, M. T., *Jan.* 13, 1807.

SIR: I have just time by the mail to inform you that I received this morning a letter from Colonel Burr, at Bayou Pierre, avowing the innocence of his views, and the fallacy of certain rumors against his patriotism; his object is agriculture, and his boats are the vehicles of emigration. However, several military corps were ordered to be on the alert, and apprehend him and all suspicious persons, on the day before the reception of this letter; these orders may possibly bring him into my possession. In his letter he hints at resistance to any attempt to coerce him, and deprecates a civil war. These hints will have no influence on my conduct; he will be apprehended, if possible, at the hazard of the lives of our militia and the honor of the Executive. We are all bustle and activity. I hope in a day or two to give you a better account of this troublesome man.

A boat passed Natchez last night, which was hailed and pursued by the guard; they fired two guns at the pursuers, and made their escape, being better manned.

The citizens of this country are republicans and patriots, and on their exertions I have every reliance.

[Communicated to Congress, February 19, 1807.]

To the Senate and House of
Representatives of the United States:

I transmit to Congress a letter from Cowles Mead, Secretary of the Mississippi Territory, acting as Governor, informing us that Aaron Burr had surrendered himself to the civil authority of that Territory.

TH. JEFFERSON.

FEBRUARY 19, 1807.

Extract of a letter from Cowles Mead, Secretary and acting Governor of the Mississippi Territory, to the Deparment of War, dated

WASHINGTON, M. T.,
January 19, 1807.

SIR: In obedience to your instruction by express of the 20th of December last, I, immediately after proroguing the Legislature, proceeded to put the Territory in a state of preparation for the arrestation of the suspicious persons and boats, which were contemplated therein. My militia were collecting at particular points on the river, when I received a letter from Colonel Burr, who had landed at Bayou Pierre with nine boats and about one hundred men. This letter went to an avowal of his innocence of the charges which rumor and public apprehension had announced against him, and solicited me to appease any fears which his approach had begotten; at the same time, he guarded me against the horrors of civil war, and the evils resulting from such a state of things. This seeming threat induced me to adopt a different mode of conduct from what the colonel might have expected; and, instead of adopting his pacific admonition, I ordered a very large portion of the militia of the Territory to rendezvous at certain points, and wait further orders. With the promptitude of Spartans, our fellow-citizens shouldered their firelocks, and in twenty-four hours I had the honor to review three hundred and seventy-five men at Natches, prepared to defend their country. They were ordered, under the command of Colonel Claiborne, to a point on the river, about twenty-one miles above the city, there to remain to guard the river, and intercept, for inspection, all boats that might descend the river. On the 16th I despatched two of my aids to Colonel Burr, who had tendered his respects to the civil authority. These gentlemen engaged on my part to give the colonel an interview in the neighborhood of the detachment stationed at the mouth of Cole's creek; conformably thereto, I met the colonel on the 17th, and, after a lengthy interview, he offered to surrender himself to the civil authority of the Territory, and to suffer his boats to be searched. On the 18th Colonel Burr, accompanied by my aids, Major Shields and Poindexter, rode down to the place, and was committed to the highest tribunal of the civil authority, where he now remains for trial.

Four gentlemen of unquestionable respectability, with a detachment of thirty men, are now in the act of making the search of the boats, and to-morrow I expect their report.

Thus, sir, this mighty alarm, with all its exaggeration, has eventuated in nine boats and one hundred men, and the major part of these are boys, or young men just from school. Many of their depositions have been taken before Judge Rodney, but they bespeak ignorance of the views or designs of the colonel. I believe them really ignorant and deluded. I believe they are the dupes of stratagem, if the asseverations of Generals Eaton and Wilkinson are to be accredited.

COWLES MEAD.

THE MILITIA.

[Communicated to the House April 18, 1806.]

The Committee, to whom was referred so much of the Message of the President of the United States of the third of December, 1805 as relates to the organization and classification of the militia, and to the augmentation of the land forces, report, in part:

In relation to a classification and new organization of the militia. The most extensive view of this part of this subject, which has occurred to the committee, is, a division of the militia into four classes, in the following manner, viz. those between eighteen and twenty-one years of age, to compose one class; those between one and twenty-six, to compose a second class; those between twenty-six and thirty-five, to compose a third class; and those between thirty-five and forty-five, to compose the fourth class, each class to be under a separate organization, and to be commanded by separate corps of officers. To this kind of organization, as it relates to the first class, we are met by a Constitutional objection. By the Constitution of the United States, Congress are empowered "to provide for organizing, arming and disciplining the militia, reserving to the States, respectively, the appointment of the officers.

By some of the State constitutions it is provided, that the captains and subalterns of the militia shall be chosen by such of the persons who compose the respective companies, as are upwards of twenty-one years of age, so that there is not Constitutional provision by which such States can appoint officers to command a class of the militia composed of minors.

Knowledge of tactics, and an acquaintance with subordination and discipline, are acquirements of such importance to our national defence that the promotion of them among the militia, ought to be a primary object with the Government, and, no doubt, is exceedingly desirable in the minds of the individual citizens. But such means ought to be adopted by the Government, as are best calculated to effect the object with as little fatigue and expense to individuals, as the nature of the case will admit. It is conceived, that the fatigue and expense of military discipline is, in a very great degree, proportionate to the population of the different parts of the country where the duty is performed, or, in other words, it is proportionate to the distance each individual, composing the different corps, is compelled to travel to reach his place of parade: under the present organization of the militia, this idea is fully verified; the difference in the expence of militia meetings in those parts of the country where the inhabitants are the most dispersed, when compared with similar meetings in the more populous parts, is very apparent; and, besides, the nature of the case compels us to believe, that the same cause will produce a similar disparity in military acquirements.

These, however, are evils which grow out of the nature of the case, and cannot be remedied but by the increase of population, because the principles of the organization are calculated to render the formation of the different corps as compact as is consistent with proper military arrangements.

By the organization and classification of the militia in the manner which has been named, the limits of each corps must be extended over four times the quantity of territory it now occupies, and consequently would burden the citizens with a proportionate additional expense in the acquisition of a competent portion of military information, or operate as a proportionate preventive to such acquisition. The subject has been viewed in another point of light, that is, to call on the two senior classes to exercise but once in a year, so as to proportion the quantum of exercise to the extension of the corps. In this case all the evils attendant on the extension of the different corps over additional territory, will attach to the junior classes, which could attach to them in the other case; and the consequent hazard of a failure in discipline will remain.

Military knowledge, like that of every other science, without practice, is soon forgotten; and although it is not probable that the whole of the militia will be needed in the field, at any one time, yet, in case of invasion, it is very possible that all who are in the vicinity of the assailants, may be necessary, and as it is uncertain at what point an enemy may make his attack, all should be prepared to meet such an event; but from a deficiency in discipline, or the want of a competent knowledge in tactics in the two senior classes only, an important opportunity for a speedy extermination of an enemy might be lost, and the lives of many valuable citizens put in jeopardy. It is therefore believed that this experiment is inadmissible.

Another view of this subject has suggested a classification of the militia, by ages, under the existing organization, for the sole purpose of designating those persons who are under twenty-six years of age, as the only proper objects of militia duty in the field, except in cases of great emergency, and in their particular vicinage. From eighteen to twenty-one years of age, is a period of life in which the young men of the United States are employed in completing an education, in pursuit of mechanical information, or in acquiring a necessary acquaintance with some other branch of business, occupation, or profession, on the improvement of which they calculate to obtain a subsistence; from twenty-one to twenty-six, they are improving their previous acquirements in their occupations and professions, thereby laying a foundation for a decent support of themselves and families through life. This is a period also, at which the young men of the United States generally engage in matrimony, and become chargeable with families, all which renders their time as dear to them from eighteen to twenty-six years of age, as at any other period of life.

It would seem, therefore, that an arrangement which would compel this class of our citizens to bear the principal part of the burden of national defence, might justly be deemed a departure from that principle of distributive justice, which ought to be a paramount characteristic of the Government of the United States.

That young men would better endure the fatigues of a long campaign, than those more advanced in life, is not doubted; but whether on a sudden emergency, they would be more useful in repulsing an enemy than an equal number of enrolled militia, on an average, from eighteen to forty-five, is a question of doubt; if however, it should be considered that the advantage is in favor of the young men, it is confidently believed, that the advantage in that case, to the public, would not be of sufficient magnitude to justify the Government in imposing on them such an unequal burden.

If the proposed system should be adopted the total derangement of the existing organization of the militia, must be the consequence. It may be proper here again to remark, that by the Constitution of the United States is vested in the General Government, the power "to provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States; but the same article of the Constitution is express, in "reserving to the States respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress." By this arrangement in the Constitution, the powers necessary to produce an efficient militia, are divided between the General Government and the State Governments. In pursuance of the power vested in the General Government, on this subject, Congress did, in the year 1792, pass an act to establish an uniform militia throughout the United States, which act seems to embrace all the principles in the case delegated to Congress. Soon after the passage of that law by Congress, a consideration of the subject was assumed by the legislatures of all the States, and laws have been passed by all the States for carrying that system into effect, so that by the co-operation of the General Government and the State Governments, the militia are now completely organized and officered throughout the Union. It is now thirteen years since this system has been in operation; the people practising under it have in a great degree become acquainted with it, and attached to it; and in many parts of the Union military discipline is rapidly progressing under it, and it cannot with propriety be doubted, that the militia of the United States under the existing organization are amply competent to a defence against the intrusion of any invading enemy. To derange this system then, and introduce one totally new and untried, one in which it is not certain that the State Legislatures will concur and which is of doubtful aspect, as it relates to the approbation of the body of the people, would, in the opinion of the committee, at this important crisis of our national affairs, be putting too much at risk.

They, therefore, recommend the following resolution.

Resolved, That it is inexpedient to adopt measures for the classification, or new organization of the militia.

TERRITORY OF MICHIGAN.

[Communicated to Congress December 23, 1805.]

To the Senate and House of
Representatives of the United States:

The Governor and presiding Judge of the Territory of Michigan, have made a report to me of the state of that Territory, several matters in which being within the reach of the Legislative authority only, I lay the report before Congress.

TH. JEFFERSON.

DECEMBER 23, 1805.

DETROIT *October* 10, 1805.

The Governor of the Territory of Michigan and the presiding judge thereof, in compliance with the wishes of the Government and the people of the Territory, have the honor to make the following report relative to the affairs of the Territory.

By the act of the Congress of the United States establishing the Territory, the Government thereof was to commence from and after the 30th day of June, 1805. The presiding judge arrived at Detroit, the seat of the Government, on Saturday the 29th day of June, and the Governor on Monday the first day of July. The associate judge, who was previously a resident of the Territory, was already there. On Tuesday the 2d July, the Governor, in pursuance of the ordinance of Congress, administered to the several officers their respective oaths of office, and on the same day the operations of the Government commenced.

It was the unfortunate fate of the new Government to commence its operations in a scene of the deepest public and private calamity. By the conflagration of Detroit, which took place on the morning of the 11th of June, all the buildings of that place, both public and private, were entirely consumed; and the most valuable part of the personal property of the inhabitants was lost. On the arrival of the new Government, a part of the people were found encamped on the public grounds, in the vicinity of the town, and the remainder were dispersed through the neighboring settlements of the country; both on the British and American side of the boundary.

The place which bore the appellation of the town of Detroit, was a spot of about two acres of ground, completely covered with buildings, and combustible materials, the narrow intervals of fourteen or fifteen feet, used as streets or lanes, only excepted; and the whole was environed with a very strong and secure defence of tall and solid pickets. The circumjacent ground, the bank of the river alone excepted, was a wide commons: and though assertions are made respecting the existence, among the records of Quebec, of a charter from the King of France, confirming this commons as an appurtenance to the town, it was either the property of the United States, or at least such as individual claims did not attempt to cover. The folly of attempting to rebuild the town in the original mode was obvious to every mind; yet there existed no authority, either in the country or in the officers of the new Government, to dispose of the adjacent ground. Hence had already arisen a state of dissension which urgently required the interposition of some authority to quiet. Some of the inhabitants, destitute of shelter, and hopeless of any prompt arrangements of Government, had re-occupied their former ground, and a few buildings had already been erected in the midst of the old ruin. Another portion of the inhabitants had determined to take possession of the adjacent public ground, and to throw themselves on the liberality of the Government of the United States, either to make them a donation of the ground as a compensation for their sufferings, or to accept of a very moderate price for it. If they could have made any arrangement of the various pretensions of individuals, or could have agreed on any plan of a town, they would soon have begun to build. But the want of a civil authority to decide interfering claims, or to compel the refractory to submit to the wishes of a majority, had yet prevented them from carrying any particular measures into execution. On the morning of Monday, the first day of July, the inhabitants had assembled for the purpose of resolving on some definitive mode of procedure. The judges prevailed on them to defer their intentions for a short time, giving them assurances that the Governor of the Territory would shortly arrive, and that every arrangement, in the power of their domestic government, would be made for their relief. On these representations they consented to defer their measures for one fortnight. In the evening of the same day the Governor arrived. It was his first measure to prevent any encroachments from being made on the public land. The situation of the distressed inhabitants then occupied the attention of the members of the Government for two or three days. The result of these discussions was, to proceed to lay out a new town, embracing the whole of the old town and the public lands adjacent; to state to the people that nothing in the nature of a title could be given, under any authorities then possessed by the Government; and that they could not be justified in holding out any charitable donations whatever, as a compensation for their sufferings; but that every personal exertion would be used to obtain a confirmation of the arrangements about to be made, and to obtain the liberal attention of the Government of the United States to their distresses.

A town was accordingly surveyed and laid out, and the want of authority to impart any regular title without the subsequent sanction of Congress, being first impressed, and clearly understood, the lots were exposed to sale under that reservation. Where the purchaser of a lot was a proprietor in the old town, he was at liberty to extingush his former property in his new acquisition, foot for foot, and was expected to pay only for the surplus, at the rate expressed in his bid. A considerable part of the inhabitants were only tenants in the old town, there being no means of acquiring any new titles. The sale of course could not be confined merely to former proprietors, but as far as possible, was confined to former inhabitants. After the sale of a considerable part, by auction, the remainder was disposed of by private contract, deducting from the previous sales the basis of the terms. As soon as the necessities of the immediate inhabitants were accommodated, the sales were entirely stopped until the pleasure of Government could be consulted. As no title could be made, or was pretended to be made, no payments were required, nor any moneys permitted to be received until the expiration of one year, to afford time for Congress to interpose. The remaining part was stipulated to be paid in four successive annual instalments. The highest sum resulting from the bids was seven cents, for a square foot, and the whole averaged at least four cents. In this way the inhabitants were fully satisfied to commence their buildings, and the interfering pretensions of all individuals were eventually reconciled. The validity of any of the titles was not taken into view. The possession under the titles, such as they were, was alone regarded, and the validity of title left to await the issue of such measures as Congress might adopt, relative to landed titles in the Territory of Michigan generally. It therefore now remains for the Congress of the United States either to refuse a sanction of the arrangement made, or by imparting a regular authority to make it, or in some other mode in their wisdom deemed proper, to relieve the inhabitants from one of the most immediate distresses, occasioned by the calamitous conflagration.

Strongly impressed with a sense of the worth of the people, and deeply commiserating their sufferings, of a great part of which they were eye witnesses, the officers of their local government cannot refrain from adding their warmest degree of recommendation to forward the liberality the Congress of the United States will unquestionably be inclined to exercise towards them; and the disposition which will doubtless prevail towards attaching their affections, promoting their interests, and relieving their distress. Whether a donation of the acquisitions, which have been stated, or of lands more remote, or the application of the proceeds to public purposes within the country, will be most advisable, the undersigned pretend not to say; but whatever relief may be extended to them on the part of the General Government, they hesitate not to assert, will be of the most essential utility to them, and rendered to objects of real merit.

The organization of the courts of justice next demanded consideration. A Judicial system was established on principles of convenience, economy, and simplicity. Courts were held under it, and all the existing business settled. Every subject requiring to be legislated upon was acted on, as far as the Government was competent to act. At the close of the other arrangements the militia of the Territory were completely organized and brought into the field.

The various acts, both of a Legislative and Executive description, will appear at large in the semi-annual report of them, which the laws of the United States require, and it will therefore be unnecessary to exhibit the details of them.

The grand juries constantly presented addresses to the courts on the subject of their land titles. The several companies of militia, elected delegates to a general meeting, which, among other objects, addressed the Government on the subject of their titles; and earnestly requested the personal attendance of the Governor and one of the judges during a part of the session of Congress. Indeed the confused situation of land titles, during the nine or ten years the United States have had possession of the country, has been such, and is so increasing by lapse of time, as now loudly to call for a definitive adjustment.

It is now nearly a century and a half since the first settlements were made in this country, under the French Government, and in the reign of Louis the Fourteenth, whose name it then bore, in common with what has since exclusively been termed Louisiana. In 1673, an officer, commissioned by the French Government, explored the waters of the West, taking his departure from Lake Michigan, he penetrated to the Ouisconsin river, and afterwards to the Mississippi, and returned through the Illinois country, after having sailed down the Mississippi within one degree of latitude of the Southern boundary of the United States, previous to the late treaty of Paris, of April, 1806, and that anterior to the discovery of the mouth of the Mississippi by La Salle. Prior to this era, the settlements of the Strait had commenced, and Detroit claims an antiquity of fifteen years superior to the city of Philadelphia. The few titles granted by the Government of France were of three French acres in front, on the banks of the river, by forty in depth, subject to the feudal and seignoral conditions, which usually accompanied titles in France. The ancient French code called *la coutume de Paris* was the established law of the country; and the rights of land were made strictly conformable to it. All these grants, however, required the grantee, in a limited period, to obtain a confirmation from the king; and, with the exception of a very few, this confirmation has never been made. On the conquest of the French possessions by Great Britain, in the war which terminated by the Treaty of Paris in the year 1763, as well in the original articles of capitulation in 1759 and in 1760, as in the subsequent treaty itself, the property of the inhabitants of the country is confirmed to them. The expression in the original is *leurs biens, nobles et ignobles, meubles et immeubles.* It is therefore conceived to comprehend these lands. On the acquisition by the United States of America of that portion of Canada which is now comprehended within the limits of the Territory of Michigan, by the definitive Treaty of Peace, at Paris, in 1783, the subjects of His Britannic Majesty are secured from loss, or damage in person, liberty, or property, and in the Treaty of London, negotiated between Mr. Jay and Lord Grenville, in November, 1794, they are still more particularly confirmed in their property of every kind, land, houses or effects. However defective, therefore, the class or original proprietors may be with respect to the evidence of title according to the American forms, it is conceived their rights are extremely strong. The British Government granted few titles, and these were generally mere permissions of military officers to use or occupy certain pieces of land, often unaccompanied with any written evidences, but assuming, from long continued possession, an appearance of right. Under the American Government no titles of any kind have been granted.

From this state of things some consequences have resulted, which are not indeed difficult to foresee, but which it is difficult to remedy. One of these consequences, and perhaps not the least important, is the effect it had on the destiny and moral character of the progeny of the original colonists. When it is remembered, that the troops of Louis the Fourteenth, came without women, the description of persons constituting the second generation will not be difficult to conceive. When it is considered at the same time, that destitute of titles to land, they were precluded from the means of acquiring them, it will be obvious that an entrance into the savage societies, or at most employments in the commerce carried on with them, were their only resources. While therefore, the American colonizations of the same, and of subsequent date, have grown into regular, agricultural, and opulent States, these countries have been destined to anarchy, to ignorance, to poverty. The emigrant, whom curiosity, or enterprise, at any time brought into the country, was either atracted to the British side of it, or disappeared in some mode less easy to account for. Accession by foreign population, and by natural increase, being thus at once cut off, the fate of this fine region has necessarily been that insignificance which still belongs to it. The British Government, in recent periods, have confirmed original proprietors, made a donation of a quantity equal to the original grant, termed a continuation; and have granted lands to settlers without any other price than common fees of office attending the acquisition of the grant. Such, however, is the inestimable value of liberty to man, that notwithstanding these, and, if possible, greater inducements to the settlers, the undersigned venture to predict a marked superiority to the American side, even at the prices at present required by the American Government, or at a slight variation of them, if the old claims are at once adjusted, and the country laid open to the acquisition of new title.

From the state of the country which has been represented, another consequence has resulted. Encroachments, in some instances, grafted on original title, and in others without a semblance of title, have been made on lands which are or ought to be, the property of the United States. Individuals have proceeded to extinguish the native right, contrary to the regulations of all the governments; and in some instances extensive settlements have been made on titles thus acquired. What arrangements the United States will make on this head it belongs not to us to anticipate; we shall only recommend a liberal and merciful disposition to the people of this country; of whom it may be safely asserted they are less to be charged with depravity of character, than their governments have been with cruel neglect and indifference.

The claims of the present inhabitants require to be considered under one more aspect, novel indeed, but not the less founded in truth. When the American comes into contact with the aboriginal, if he is not considered as an enemy, he is at least regarded as a character with whom they are to struggle, and if in no other, certainly in a pecuniary view. But the Canadian, allied by blood, by long established intercourse, by a countless reciprocity of services, their native claims having long, as to time, been extinguished, and their honor and good faith having been repeatedly pledged for his protection, is uniformly regarded as their brother, and with him they are disposed to make a common cause. Hence justice, and liberal justice, to the Canadian inhabitant is an important point of policy in the conduct of the American Government towards the aboriginal inhabitants.

The extent of the Canadian extinguishment of Indian title, though in itself indefinite, appears first to have received limits in the treaty of Fort McIntosh, in 1785. We there first find a written dereliction of Indian claim for a breadth of six miles, from La Riviere aux Raisins, now called Rosine, on Lake Erie, to the Lake St. Clair. In the subsequent treaty of Fort Harmar in 1789, the same dereliction is confirmed. In the ulterior Treaty of Greenville, in 1795, the confirmation is repeated, and additions made.

The Treaty with Great Britain, of 1783, and the subsequent one of 1794, were made for the accomplishment of great national objects, having very little connexion with Canadian and Indian claims. The Treaties of Fort McIntosh, Fort Harmar, and of Greenville, were all formed on other far more important points; and the quantity of extinguished Indian title in Michigan recognised by them is less to be considered as an acquisition of new title, than a definition of the old. The expense of those negotiations therefore can scarcely be said, in any sense, to attach to this country; and perhaps it may be truly said that all the Indian title at present extinguished within the Territory of Michigan has not cost the United States a single dollar; but is entirely a recognition of a previous, but indefinite title, extinguished by the Canadians. Hence, a question will arise whether it is more than barely justice to the inhabitants to allow them the whole of this part, or otherwise to permit the proceeds of it to be applied to their benefit in the education of their youth, in the erection of public buildings, such as court-houses and jails, which the late conflagration has entirely deprived them of, and in laying out roads, and othe improvements in their country. Next to the adjustment of the old titles comes the acquisition o new. It is believed that at this period, and in a particular mode, a very large portion of Indian title may be shortly extinguished; but as this par of the subject may hereafter be deemed confidential, it is made the subject of a distinct report.

On an occasion like the present it may not be unadvisable to revise some of the regulations relative to the territory.

On all the subjects requiring legislation the present Government act with difficulty, and on many cannot act at all. All laws will be found to operate on particular places, times, and persons, and in no State which enters into the composition of the American Union, will an abstract code of principles be discovered free from a connexion, and that a very close one, with the places, times, and persons affected by them. Hence, the strict adoption of any code, or even of any one law, becomes impossible. To make it applicable it must be adapted to the geography of the country, to its temporary circumstances and exigencies, and to the particular character of the persons over whom it is to operate. Hitherto, it has been religiously the object to follow what has been deemed the substance of the law, whatever modifications the form of it was obliged to undergo. But different minds will not always correspond in sentiment on what is substance, and what is form; and in all the litigations which arise under laws, those affecting the validity of the law itself are the most intricate and difficult. Hence, in a country whose administration ought to be marked with simplicity, intricacy, procrastination, and uncertainty in affairs, result. To adopt laws from all the original States the laws of all the original States ought to be furnished; and, waiving the difficuly and expense of procuring them, what body of men, under the pressure of immediate business, can acquire a complete acquaintance with them? The possession of all the codes, if it were possible, and a complete acquaintance with their contents, would still prove an abortive cure; for in many very simple cases, a strict precedent will be searched for in vain. Is the object to establish a ferry, to regulate the affairs of any district, to erect a court-house, or to institute a school, however urgent the call, however obvious the means, it must often be abandoned for want of a precedent that will apply; and often, when attempted, may be defeated, from the want of a strict correspondence between the law made and the precedent from which it professes to be adopted. The real security for the prevalence of republican principles rests not in a provision of this awkward kind; for even in the codes of the States the disciple of aristocracy may sometimes find a weapon. It rests in the general probability that the administration of this description will be conformable to the General Administration. It rests in the parental control of Congress. Experience is the best test of the propriety or impropriety of a law; and if a law be made which gives dissatisfaction, the natural resort is to the authority first making it for its correction, and when from defect of power or of inclination the evil is found irremediable, by them, to superior authority.

The requiring a possession of certain quantities of land in various officers is not only impracticable in the present instance; but the policy on which the provision may have originally been grounded has ceased to exist.

The southern boundary of the Territory is indefinite. Though in the present maps of the United States, a line of latitude through the southern bend of Lake Michigan appears to strike Lake Erie near the mouth of the Miami, yet in the maps of Arrowsmith and M'Kenzie, such a line of latitude would not strike Lake Erie, but pass entirely south of it. The anxiety of the southern settlers of the Territory is great, not to be attached to the State of Ohio, which would be incommodious to them, but to Michigan, which is so much more convenient. The western end of Lake Erie, even from Sandusky, would feel this convenience.

The case of the Wyandot Indians deserves the consideration of Government. They live in two towns, Maguaga and Brown's town, within the limits of the American title. To the Treaty of Fort Harmar, a clause was annexed stipulating that they might remain unmolested. In the Treaty of Greenville this provision is omitted. They constantly assert, and there are not wanting reputable citizens who join them in this assertion, that they were solemnly promised by General Wayne a continuance of the indulgence. It may therefore be worthy of serious consideration whether it may not be advisable in the adjustment of titles, to recognise their possessions, and invest them with the character of citizens.

WILLIAM HULL,
Governor of Michigan.
A. B. WOODWARD.
Presiding Judge of do.

TERRITORY OF ORLEANS.

[Communicated to the House, February 27, 1805.]

The committee, to whom were referred the memorial of the Legislative Council of the Territory of Orleans, and also the memorial of the House of Representatives of the same Territory, make the following report:

The object of the memorialists is to obtain from the General Government a grant of lands for the establishment and support of colleges, schools, and other seminaries of education, within the Territory of Orleans.

Your committee are of opinion, that it ought to be a primary object with the General Government to encourage and promote education in every part of the Union, so far as the same can be done consistent with the general policy of the nation, and so as not to infringe the municipal regulations that are, or may be adopted by the respective State authorities on this subject.

The benefits resulting to society in general from the establishment and support of public institutions for the education of youth, and the general diffusion of science, are too well known to all discerning persons to require any particular investigation on the present occasion. The National Legislature has, by several of its acts on former occasions, evinced, in the strongest manner, its disposition to afford the means of establishing and fostering with a liberal hand such public institutions.

By a resolution of the old Congress, under the Confederation, of the 20th March, 1785, it is declared that lot No. 16, of every township, in the Territory Northwest of the river Ohio, (which is equal to one thirty-sixth part of the same) shall be reserved for the maintenance of public schools within the said township. It also appears by an act of Congress, passed the 3d March, 1803, that in addition to certain tracts of land before that time appropriated for that purpose, there were appropriated and vested in the Legislature of the State of Ohio, in trust, for the use of schools in that State, certain quarter townships, in certain tracts therein described, estimated to be equal to the one thirty-sixth part of all the lands contained in the said several tracts to which the Indian claim had been extinguished; also, the one thirty-sixth part of all the lands of the United States lying in the said State of Ohio, to which the Indian title had not been extinguished, which might be purchased of the said Indian tribes by the United States, making the quantity of land appropriated for the use of schools within the said State, equal, at least, to one thirty-sixth part of all the lands belonging to the United States within the same. A similar provision has also been made by a law passed in 1803, for the use of schools in the Mississippi Territory.

By this liberal policy, the General Government has secured to the people of the State of Ohio, and of the Mississippi Territory, a permanent fund for the promotion of learning and the general diffusion of knowledge within the same.

Your committee are of opinion, that it would be sound policy in the General Government, as well as consistent with equal justice, to act on this occasion with the same liberality towards the people of the Territory of Orleans that has been shown in relation to the State of Ohio and the Mississippi Territory; and to make the like provision for the establishment and support of public schools in the one case that has been made in the others.

In pursuing this line of conduct, the National Legislature will afford to the people of the Territory of Orleans, the strongest proof of a disposition, not only to extend to them the rights and privileges of American citizens in general, but to place them on an equal footing with the citizens of the most favored portion of the Union, who have experienced the immediate attention of the General Government; and to observe towards them the fostering care of an indulgent parent, feeling a lively interest in their future prosperity and happiness. In this measure the people of that Territory will become sensible, in some degree at least, of the advantages they have derived, and may yet obtain, from being incorporated into the Union, and becoming a portion of a free and independent nation.

The committee have not been able to obtain official information to enable them to form a correct opinion with regard to the quantity or value of the public lands within the city of New Orleans, nor have they any information respecting the situation of the said lands in relation to the centre of the city, or the bank of the river Mississippi, and as it may probably be necessary for the General Government to reserve for public purposes some portions of the said lands, which cannot at present be designated, your committee are of opinion, that it would not be advisable, at this time, to appropriate or dispose of the lands belonging to the United States within the limits of the city of New Orleans.

Your committee respectfully submit to the House the following resolution:

Resolved, That for the establishment and support of public schools within the Territory of Orleans, there shall be appropriated, and reserved from sale, one thirty-sixth part of all the lands of the United States within the Territory, to which the Indian claim has been extinguished, or may hereafter be extinguished; which one thirty-sixth part shall consist of the section numbered 16, in each township, if the said lands shall be surveyed in townships of six miles square each, and the same divided into sections of one mile square each; and shall, if the lands be surveyed in a different manner, be designated by lots; and the lands, so appropriated, shall be applied to the use aforesaid, within the townships, or particular divisions not exceeding townships in extent, respectively, within which the same shall lie.

PUBLIC LANDS.

[Communicated to the House, Feb. 5, 1806.]

The Committee on Public Lands, to whom was referred a resolution, on the 26th day of March, directing them to inquire into the expediency of all such parts of the several acts, providing for the sales of the lands of the United States, as authorize a credit on any part of the purchase money of said lands, respectfully submit the following report:

The public lands are now sold in sections, half sections, and quarter sections; that is, in lots of six hundred and forty, three hundred and twenty, and one hundred and sixty acres, at not less than two dollars per acre, the purchaser paying one-fourth of the purchase money before he can procure a certificate descriptive of the tract purchased or be considered as a purchaser, another fourth part in two years, another part in three years, and the remaining fourth part in four years from the time of making the purchase. No interest is charged if the instalments are punctually paid as they become due; but in case of failure in punctuality of payment, interest is calculated from the time of sale. If full and complete payment is not made for any tract in one year after the last instalment has become due, such tract is to be sold by the register of the land office, at public vendue, for a price not less than the whole arrears due thereon, with the expense of sale, provided it will sell for so much; but if it will not, then the land is to revert to the United States, and the purchaser forfeits all he may have paid.

By a reference to the report of the Secretary of the Treasury, made on the 10th of December last, it appears that the balance due from purchasers of public lands in the State of Ohio, amounted, exclusively of interest, on the

1st October, 1803, to	$1,092,390
1st October, 1804, to	1,434,212
1st October, 1805, to	2,094,305

From this statement it appears, that the debt in the course of the two last years has nearly doubled, and it must continue to increase, not only in proportion to the increase of sales, but from an accumulation of arrears arising from failure in punctuality of payment.

By a letter and statement received from the Secretary of the Treasury, and which are hereunto annexed, and to be considered as part of this report, it appears that there was due on the 1st day of January last, on account of purchases made prior to the first day of January, 1801, upwards of $229,000, which, according to law, must be paid in the course of the present year, or the lands be exposed to sale. This sum, as appears by the Secretary's letter, is due from three hundred and nine persons. Although no sales have yet taken place, there is no doubt but some must be made, or the lands revert to the United States, if the law is rigidly executed. A very large proportion of the debtors whose lands are thus to be sold, or to revert, in the course of the present year, are no doubt inhabitants of the State of Ohio. It appears doubtful whether under these circumstances an attempt to sell would be attended with success. Judging from what has happened in similar cases in other States, a strong presumption arises, that a sale of the lands cannot be effected so as to raise the money. Few men are willing to incur the resentment of their neighbors by bidding for their property at public vendue, even when other neighbors are the creditors; and when the public is concerned, scarcely a man will be found hardy enough to do it. The lands will, therefore, in many instances revert to the Government, encumbered by the occupancy of a tenant, who ought to be evicted before another sale should be made. It might be added, that few strangers would run the risk of bidding for property at a vendue, when the united interest of the whole neighborhood was opposed to the sale.

Should this, on experience, prove to be the case, and the increase of the number of debtors bear any proportion to the increase of debt, as under the temptation held out by the present system of credit it no doubt will, there is reason to apprehend, that in a few years more there will be serious cause of alarm, not only on account of the debt due, but even from the lands which may remain unsold in that section of the Union. Strongly impressed as the committee are with this opinion, and believing, as they do, for the reasons assigned by the Secretary of the Treasury in his letter herewith submitted, that, in abolishing the credit given by the present system, and hereafter selling the public lands for ready money only, the actual receipts into the Treasury from this source would be very little, if at all reduced, and the revenue of course but little affected, they feel themselves constrained to adopt the opinion that it would be expedient to abolish the present system.

In expressing this opinion, the Committee feel some diffidence. The present system was adopted on mature deliberation, so far has succeeded very well in its operation; but, by the accumulation of debts, the evils which were dreaded, now begin to unfold themselves, and certainly wear an unpleasant aspect.

It is not believed that the proposed change of system will operate any serious inconvenience to persons whose circumstances furnish them any prospect of becoming purchasers. The small tracts in which the lands are now offered for sale, place them in the reach of every person who emigrates to that country with a view of purchasing; and unless the price should be greatly reduced, moneyed capitalists will not be induced to engage in that extensive speculation in land, which some years since prevailed so generally in every part of the country, and from which so many mischiefs have resulted.

The committee, on a full consideration of the subject, are induced respectfully to submit the following resolution:

Resolved, That it is expedient to repeal all such parts of the laws respecting the sale of the public lands, as authorize a credit on any part of the purchase money.

[The following letter, from the Secretary of the Treasury accompanies the above report.]

TREASURY DEPARTMENT, *Mar.* 28, 1806.

SIR: I had the honor to receive your letter of yesterday, requesting such information as may be connected with the proposition to repeal so much of the existing laws as authorizes a credit on any part of the purchase money of the public lands.

It will be seen by recurrence to the report made by this Department, on the 10th December, 1805, (statements G and C,) that the balance due by purchasers of public lands, in the State of Ohio, amounted, exclusively of interest, on the

1st October, 1803, to	$1,092,390
1st October, 1804, to	1,434,212
1st October, 1805, to	2,094,305

The debt has, therefore, been increased one million of dollars, or nearly doubled in two years; and it will every year be augmented, not only in proportion to the increase of sales, but also on account of the accumulation of arrears which may not be punctually paid.

It also appears, by the enclosed statement, that the sum due on the 1st of January last, for purchases made prior to the year 1805, and which ought to have been discharged before the end of the year 1805, is, exclusively of interest, $207,409 82. The interest due on that sum is estimated at about $22,000; the number of persons by whom it is due, is three hundred and nine; and it is estimated that the sum, including interest, which is due by persons who have paid only the first instalment, is - - - - $166,000

By persons who have paid the two first instalments - - - - 28,000

By persons who have paid the three first instalments	35,000
Making for principal and interest, as above	$229,000

In every case where those arrears will not be paid at the end of five years from the date of the purchase, (which, for the above sum, will be at various dates, but all in the course of this year) the land will, according to law, be sold or revert to the United States; but there is little danger of that contingency taking place in cases where the two or three first instalments have already been paid.

I feel no hesitation in repeating the opinion which was expressed two years ago, to a committee of the House, that sales for cash only would in every respect be preferable to the present mode.

Although no symptoms of that kind have yet appeared, the accumulation of a debt of $2,000,000, due by more than two thousand heads of families, and which is every day increasing in amount, and extending to a greater number of persons, may ultimately create in that section of the Union a powerful interest, hostile to the Federal Government, and which would endanger both the outstanding debt and the lands unsold.

The revenue will not be affected by the change; for, although a less quantity of lands will be sold, the actual receipts will continue to be in proportion to the existing means of payment; for such is the demand for the public lands, that the sales are limited only by the resources of the inhabitants and emigrants.

Nor is it believed that the measure will ultimately be injurious to the persons who become purchasers. Although some may thereby be prevented from purchasing, the number of actual delinquents shows that the credit allowed often induces individuals to make purchases beyond their means, and not less prejudicial to themselves than to the public. It must also be observed, that, though the nominal price on which lands are sold on credit, be two dollars per acre, the cash price, supposing the whole payment to be made at the time of the purchase, is only (on account of the discount of eight per cent. a year on the three last instalments, which is allowed for prompt payment,) one dollar and sixty-four cents per acre. A quarter section, containing one hundred and sixty acres, will, therefore, cost only two hundred and sixty-two dollars and forty cents. Prior to the act which authorized the sales of land in quarter sections, no man could become a purchaser, unless he paid, within three months thereafter, three hundred and twenty dollars if he had purchased an entire section, and one hundred and sixty dollars, if his purchase was for a half section. This shows that under the proposed alteration, it will require only one hundred dollars more in hand to become a purchaser, than was necessary under the former system. Should, however, that be considered as a formidable objection, I would think a moderate reduction of the price of lands less injurious than a continuation of the present mode.

I will only add, that if credits shall not be allowed hereafter, some indulgence, in point of time, may be given to those former purchasers, whose lands will otherwise be sold during the course of this year, on account of their not having completed the payments within five years of the time of purchase. Should the present system be continued, a more rigid enforcement of the law will be necessary. I have the honor to be, &c.

ALBERT GALLATIN.

Hon. Andrew Gregg, *Chairman, &c.*

EXPEDITION OF LEWIS AND CLARKE.

[Communicated to Congress, February 19, 1806.]

To the Senate and House of
Representatives of the United States:

In pursuance of a measure proposed to Congress by a Message of January 18th, one thousand eight hundred and three, and sanctioned by their approbation for carrying it into execution, Captain Meriwether Lewis, of the first regiment of infantry, was appointed, with a party of men, to explore the river Missouri, from its mouth to its source, and, crossing the highlands by the shortest portage, to seek the best water communication thence to the Pacific ocean, and Lieutenant Clarke was appointed second in command. They were to enter into conference with the Indian nations on their route, with a view to the establishment of commerce with them. They entered the Missouri May fourteenth, one thousand eight hundred and four, and on the first of November took up their winter quarters near the Mandan towns, 1,609 miles above the mouth of the river, in latitude 47° 21′ 47″ north, and longitude 99° 24′ 45″ west from Greenwich. On the eighth of April, one thousand eight hundred and five, they proceeded up the river in pursuance of the objects prescribed to them. A letter of the preceding day, April seventh, from Captain Lewis, is herewith communicated. During his stay among the Mandans, he had been able to lay down the Missouri, according to the courses and distances taken on his passage up it, corrected by frequent observations of longitude and latitude; and to add to the actual survey of this portion of the river, a general map of the country between the Mississippi and Pacific, from the thirty-fourth to the fifty-fourth degrees of latitude. These additions are from information collected from Indians with whom he had opportunities of communicating, during his journey and residence with them. Copies of this map are now presented to both Houses of Congress. With these I communicate also a statistical view, procured and forwarded by him, of the Indian nations inhabiting the Territory of Louisiana, and the countries adjacent to its northern and western borders; of their commerce, and of other interesting circumstances respecting them.

In order to render the statement as complete as may be, of the Indians inhabiting the country west of the Mississippi, I add Dr. Sibley's account of those residing in and adjacent to the Territory of Orleans.

I communicate also, from the same person, an account of the Red river, according to the best information he had been able to collect.

Having been disappointed, after considerable preparation, in the purpose of sending an exploring party up that river in the Summer of one thousand eight hundred and four, it was thought best to employ the Autumn of that year in procuring a knowledge of an interesting branch of the river called the Washita. This was undertaken under the direction of Mr. Dunbar of Natchez, a citizen of distinguished science, who had aided, and continues to aid us, with his disinterested and valuable services in the prosecution of these enterprises. He ascended the river to the remarkable hot springs near it, in latitude 34° 31′ 4″ 16, longitude 92° 50′ 45″ west from Greenwich, taking its courses and distances, and correcting them by frequent celestial observations. Extracts from his observations, and copies of his map of the river, from its mouth to the hot springs, make part of the present communications. The examination of the Red river itself, is but now commencing.

TH. JEFFERSON.

February 19, 1806.

Extract of a letter from Captain Meriwether Lewis, to the President of the United States, dated

Fort Mandan, *April 7th*, 1805.

Dear Sir: Herewith enclosed you will receive an invoice of certain articles, which I have forwarded to you from this place. Among other articles you will observe, by reference to the invoice, sixty-seven specimens of earths, salts, and minerals, and sixty specimens of plants; these are accompanied by their respective labels, expressing the days on which obtained, places where found, and also their virtues and properties, when known. By means of these labels, reference may be made to the chart of the Missouri, forwarded to the Secretary of War, on which the encampment of each day has been carefully marked: thus, the places at which these specimens have been obtained, may be easily pointed out, or again found, should any of them prove valuable to the community on further investigation.

You will also receive herewith enclosed, a part of Captain Clarke's private journal; the other part you will find enclosed in a separate tin box. This journal will serve to give to you the daily details of our progress and transactions.

I shall despatch a canoe with three, perhaps four persons from the extreme navigable point of the Missouri, or the portage between this river and the Columbia river, as either may first happen. By the return of this canoe, I shall send you my journal, and some one or two of the best of those kept by my men. I have sent a journal kept by one of the sergeants, to Captain Stoddard, my agent at St. Louis, in order as much as possible to multiply the chances of saving something. We have encouraged our men to keep journals, and seven of them do, to whom in this respect we give every assistance in our power.

I have transmitted to the Secretary at War, every information relative to the geography of the country which we possess, together with a view of the Indian nations, containing information relative to them, on those points with which I conceived it important that the Government should be informed.

By reference to the muster rolls forwarded to the War Department, you will see the state of the party; in addition to which we have two interpreters, one negro man, servant to Captain Clarke; one Indian woman, wife to one of the interpreters, and a Mandan man, whom we take with a view to restore peace between the Snake Indians, and those in this neighborhood, amounting in total with ourselves to thirty-three persons. By means of the interpreters and Indians, we shall be enabled to converse with all the Indians that we shall probably meet with on the Missouri.

I have forwarded to the Secretary at War my public accounts, rendered up to the present day. They have been much longer delayed than I had any idea they would have been, when we departed from the Illinois; but this delay, under the circumstances which I was compelled to act, has been unavoidable. The provision perogue and her crew, could not have been dismissed in time to have returned to St. Louis last Fall, without evidently, in my opinion, hazarding the fate of the enterprise in which I am engaged; and I therefore did not hesitate to prefer the censure that I may have incurred by the detention of these papers to that of risking in any degree the success of the expedition. To me, the detention of these papers has formed a serious source of disquiet and anxiety, and the recollection of your particular charge to me on this subject, has made it still more poignant. I am fully aware of the inconvenience which must have arisen to the War Department, from the want of these vouchers, previous to the last session of Congress, but how to avert it was out of my power to devise.

From this place we shall send the barge and crew early to-morrow morning, with orders to proceed as expeditiously as possible to St. Louis; by her we send our despatches, which I trust will get safe to hand. Her crew consists of ten able-bodied men, well armed and provided with a sufficient stock of provision to last them to St. Louis. I have but little doubt but they will be fired on by the Sioux; but they have pledged themselves to us that they will not yield while there is a man of them living. Our baggage is all embarked on board six small canoes, and two perogues; we shall set out at the same moment that we despatch the barge. One, or perhaps both of these perogues, we shall leave at the falls of the Missouri, from whence we intend continuing our voyage in the canoes, and a perogue of skins, the frame of which was prepared at Harper's ferry. This perogue is now in a situation which will enable us to prepare it in the course of a few hours. As our vessels are now small, and the current of the river much more moderate, we calculate upon

O. The same as the Osage.

P. On the north side of the Kanzas river, at a bluff one and a half miles from its confluence with the Missouri.

Q. With all nations within their reach.

R. They are sometimes at peace with the Ottoes and Missouris, with whom they are partially intermarried.

S. The limits of the country they claim is not known. The country in which they reside, and from thence to the Missouri, is a delightful one, and generally well watered and covered with excellent timber. They hunt on the upper part of Kansas and Arkanzas rivers. Their trade may be expected to increase with proper management. At present they are a dissolute, lawless banditti; frequently plunder their traders, and commit depredations on persons ascending and descending the Missouri river; population rather increasing. These people, as well as the Great and Little Osages, are stationary, at their villages, from about the 15th of March to the 15th of May, and again from the 15th of August to the 15th of October; the balance of the year is appropriated to hunting. They cultivate corn, &c.

A. Ottoes.
B. Wâd-doké-tâh-tâh.
C. La Zóto.
D. Missouri.
E. Ottoes and Missouris, one.
F.
G. 120.
H. 500.

I. South side of the river Platte, fifteen leagues from its mouth.

J. Merchants of St. Louis.

K. On the Missouri, below the river Platte; not stationary, and at their villages.

L. 4,000, including the Missouris.

M. 8,000, including the Missouris.

N. Principally deer skins, black bear, a greater proportion of beaver than the Osage, some otter and raccoons.

O. Skins of the deer, black bear, beaver, otter, raccoon, muskrats, and wolves, buffalo robes, tallow and grease, bears' oil, deer and elk tallow, elk skins dressed and in parchment, all in much larger quantities than they do at present.

P. The Council Bluff, on the southwest side of the Missouri, fifty miles above the mouth of the river Platte.

Q. With the Mahas, Pon'cârs, Sioux, the Great and Little Osage, Kanzas, and Loups.

R. With the Panis proper, Saukees and Renars.

S. They have no idea of an exclusive possession of any country, nor do they assign themselves any limits. I do not believe that they would object to the introduction of any well-disposed Indians. They treat the traders with respect and hospitality, generally. In their occupations of hunting and cultivation, they are the same with the Kanzas and Osage. They hunt on the Saline, Nimmehaw rivers, and west of them, in the plains. The country in which they hunt lies well; it is extremely fertile and well watered; that part of it which borders on the Nimmehaw and Missouri possesses a good portion of timber; population rather increasing. They have always resided near the place their village is situated, and are the descendants of the Missouris.

A. Missouris.
B. New'-dar-cha.
C. Missouri.
D. *
E. See page 1043, E.
F.
G. 80.
H. 300.
I. With the Ottoes.
J. Merchants of St. Louis.
K. Same as Ottoes, see page 1043, K.
L. See page 1043, L.
M. See page 1043, M.
N. Same as the Ottoes, page 1043, N.
O. Same as the Ottoes, page 1043, O.

P. The Council Bluff, on the southwest side of the Missouri, fifty miles above the mouth of the river Platte.

Q. With the Mahas, Poncars, Sioux, the Great and Little Osage, Kanzas, and Loups.

R. With the Panis proper, Saukees and Renars.

S. These are the remnant of the most numerous nation inhabiting the Missouri, when first known to the French. Their ancient and principal village was situated in an extensive and fertile plain on the north bank of the Missouri, just below the entrance of the Grand river. Repeated attacks of the small-pox, together with their war with the Saukees and Renars, has reduced them to their present state of dependence on the Ottoes, with whom they reside, as well in their village as on their hunting excursions. The Ottoes view them as inferiors, and sometimes treat them amiss. These people are the real proprietors of an extensive and fertile country lying on the Missouri, above their ancient village for a considerable distance, and as low as the mouth of the Osage river, and thence to the Mississippi.

A. Panias proper.
B. Pâ-nee.
C. Grand Par.
D. *
E. One.
F.
G. 400
H. 1,600.

I. South side of the river Platte, thirty leagues from its mouth.

J. Merchants of St. Louis.

K. On the Missouri, below the river Platte, not stationary, and at their village.

L. 6,400, including the Panias Republican.

M. 10,000, including the Panias Republican.

N. Fine beaver principally, a considerable proportion of beaver, some robes and a few raccoons.

O. Skins of the beaver, otter, raccoon, muskrats and wolves, buffalo robes, tallow and grease, elk skins and grease, also a number of horses.

P. The Council Bluff, on the southwest side of the Missouri, fifty miles above the mouth of the river Platte.

Q. With the Pania-pique, Great and Little Osage, Kansas, La Play, Sioux, Ricaras, and Paducas.

R. With the Loups, Mahas, Poncars, Ottoes, Missouris, and Ayauwais.

S. With respect to their idea of the possession of soil, it is similar to that of the Ottoes; they hunt on the south side of the river Platte, higher up and on the head of the Kansas. A great proportion of this country is open plains, interspersed, however, with groves of timber, which are most generally found in the vicinity of the water courses. It is generally fertile and well watered; lies level, and free of stone. They have resided in the country which they now inhabit, since they were known to the whites. Their trade is a valuable one, from the large proportion of beaver and otter which they furnish, and it may be expected yet to increase, as those animals are still abundant in their country. The periods of their residence at their village and hunting, are similar to the Kansas and Osages. Their population is increasing. They are friendly and hospitable to all white persons; pay great respect and deference to their traders, with whom they are punctual in the payment of their debts. They are, in all respects, a friendly, well disposed people. They cultivate corn, beans, melons, &c.

A. Pānias Republican.
B. Ar-râh'-pâ-hoó.
C. Republic.
D. Pania.
E. Pānias proper and Pānias Republican live in the same village.
F.
G. 300.
H. 1,400.
I. With the Panias proper.
J. Merchants of St. Louis.
K. See page 1044 K.
L. See page 1044 L.
M. See page 1044 M.
N. See page 1044 N.
O. See page 1044 O.
P. See page 1044 P.
Q. See page 1044 Q.
R. See page 1044 R.

S. Are a branch of the Pania proper, or, as they are frequently termed, the *Big Paunch.* About ten years since they withdrew themselves from the mother nation, and established a village on a large northwardly branch of the Kânzas, to which they have given name. They afterwards subdivided, and lived in different parts of the country on the waters of the Kanzas river, but being harassed by their turbulent neighbors, the Kanzas, they rejoined the Panias proper last Spring. What has been said with respect to the Panias proper is applicable to these people, except that they hunt principally on the Republican river, which is better stocked with timber than that hunted by the Panias.

A. Panias Loups, (or Wolves.)
B. Skec'-e-ree.
C. La Loup.
D. Pania.
E. One.
F.
G. 280.
H. 1,000.
I. On the northeast side of the Wolf river, branch of the river Platte, thirty-six leagues from its mouth.
J. Merchants of St. Louis.
K. At the village of the Panias.
L. 2,400.
M. 3,500.
N. See page 1044 N.
O. See page 1044 O.
P. See page 1045 P.
Q. With Pania-picque, Great and Little Osage, Kansas, Le Plays, Sioux, Ricaras, Mahas, Poncars, Ottoes, and Missouris.
R. Panias proper, and Panias Republican.

S. These are also a branch of the Panias proper, who separated themselves from that nation many years since, and established themselves on a north branch of the river Platte, to which their name was also given. These people have likewise no idea of an exclusive right to any portion of country. They hunt on the Wolf river above their village, and on the river Platte above the mouth of that river. This country is very similar to that of the Panias proper, though there is an extensive body of fertile, well-timbered land between the Wolf river below their village, and the river Corn de Cerf, or Elkhorn river. They cultivate corn, beans, &c. The particulars related of the other Panias is also applicable to them. They are seldom visited by any trader, and therefore usually bring their furs and peltry to the village of the Panias proper, where they traffic with the whites.

A. Măhâs.
B. O'-mâ'-hâ.
C. La Mar.
D. Osage, with different accent; some words peculiar to themselves.
E.
F. 60.
G. 150.
H. 600.
I. The river Quieurre and the head of the Wolf river.
J. Merchants of St. Louis.
K. At their old village, though no trade latterly.
L. 4,000, including the Pon'cârs.
M. 7,000, including the Pon'cârs.
N. See page 1044, N.
O. The same as the Ottoes and Missouris, with the addition of the skins of the Missouri antelope, (called cabri' by the inhabitants of the Illinois.)
P. See page 1045, P.

Q. Great and Little Osage, Kanzas, Loups, Ottoes, Missouris, and all the Sioux, except the Yankton Ahnâ.

R. With the Panias proper, Panias Republicans, Yanktons Ahna, Saukees, Renars, and Ayouwais.

S. They have no idea of exclusive possession of soil. About ten years since, they boasted 700 warriors. They have lived in a village, on the west bank of the Missouri, 236 miles above the mouth of the river Platte, where they cultivated corn, beans, and melons: they were warlike, and the terror of their neighbors. In the summer and autumn of 1802, they were visited by the small-pox, which reduced their numbers to something less than 300; they burnt their village, and have become a wandering nation, deserted by the traders, and the consequent deficiency of arms and ammunition, has invited frequent aggressions from their neighbors, which have tended to reduce them still further. They rove principally on the waters of the river Quicurre, or Rapid river. The country is generally level, high, and open: it is fertile, and tolerably well watered. They might easily be induced to become stationary: they are well disposed towards the whites, and are good hunters: their country abounds in beaver and otter, and their trade will increase and become valuable, provided they become stationary, and are at peace. The Tetons Bois brûle' killed and took about 60 of them last summer.

A. Pon'cârs.
B. Poong-câr.
C. La Pong.
D. Mâhâ.
E.
F. 20.
G. 50.
H. 200.
I. With the Mahas.
J. Merchants of St. Lous.
K. No place of trade latterly.
L. See page 1046, L.
M. See page 1046, M.
N. See page 1044, N.
O. See page 1046, O.
P. See page 1045, P.
Q. See page 1047, Q.
R. See page 1047, R.

S. The remnant of a nation once respectable in point of numbers. They formerly resided on a branch of the Red river of lake Winnipie: being oppressed by the Sioux, they removed to the west side of the Missouri, on Poncar river, where they built and fortified a villege, and remained some years; but being pursued by their ancient enemies the Sioux, and reduced by continual wars, they have joined, and now reside with the Mahas, whose language they speak.

A. Ric'ârâs.
B. Stâr-râh-he'.
C. La Ree.
D. Pania, wiih a different accent, and a number of words peculiar to themselves.
E. Three.
F.
G. 500.
H. 2,000.
I. On the southwest side of the Missouri, 1,440 miles from its mouth.
J. Merchants of St. Louis.
K. At their villages.
L. 2,500.
M. 6,000.

N. Buffalo robes principally, a small quantity of beaver, small foxes and grease.

O. Buffalo robes, tallow and grease, skins of beaver, small and large foxes, wolves, antelopes and elk in great abundance: also otter, deer and grizzly bears.

P. About the mouth of the river Chyenne, on the Missouri, or at the mouth of the Yellow Stone River.

Q. With the Crow Indians, Snake Indians, Panias Loups, Assinniboins, Nemosen, Alitan, la Plays, and Paunch Indians.

R. Chyennes, Wetepahatoes, Kiawas, Kanenavich, Staetan, Cattako, Dotame, Castahanas, Mandans, Ah-wah-haways, Minetares, and partially with the Sioux.

S. Are remains of ten large tribes of Panias, who have been reduced, by the small-pox and the Sioux, to their present number. They live in fortified villages, and hunt immediately in their neigborhood. The country around them, in every direction, for several hundred miles, is entirely bare of timber, except on the water courses and steep declivities of hills, where it is sheltered from the ravages of fire. The land is tolerably well watered, and lies well for cultivation. The remains of the villages of these people are to be seen on many parts of the Missouri, from the mouth of Tetone river to the Mandans. They claim no land except that on which their villages stand, and the field which they cultivate. The Tetons claim the country around them. Though they are the oldest inhabitants, they may properly be considered the farmers or tenants at will of that lawless, savage, and rapacious race the Sioux Teton, who rob them of their horses, plunder their gardens and fields, and sometimes murder them, without opposition. If these people were freed from the oppression of the Tetons, their trade would increase rapidly, and might be extended to a considerable amount. They maintain a partial trade with their oppressors, the Tetons, to whom they barter horses, mules, corn, beans, and a species of tobacco, which they cultivate; and receive in return, guns, ammunition, kettles, axes, and other articles which the Tetons obtained from the Yanktons of the N. and Sissatones, who trade with Mr. Cammeron, on the river St. Peters. These horses and mules the Ricaras obtain from their western neighbors, who visit them frequently for the purpose of trafficking.

A. Mandas.
B. Mān-dân { Ma-too-ton'-ka, 1st village.
Roop-tar'-ha, 2d village.

C. Mandans.
D. *, some words resembling the Osage.
E. Two.
F.
G. 250.
H. 1,250.
I. On both sides of Missouri, 1612 miles from its mouth.
J. The Hudson Bay and Northwest companies, from their establishment on the Assinnihoin.
K. At their villages.
L. 2,00.
M. 6,000.
N. Principally the skins of the large and small wolves, and the small fox, with Buffalo robes, some skins of the large fox and beaver, also corn and beans.
O. The same as the Ricars (see page 1048 O.) except the grizzly bear. They could furnish, in addition, the skins of a large species of white hare, a very delicate fur.
P. At or near the mouth of the Yellow Stone river.
Q. With no nation except a defensive war with the Sioux.
R. With all nations who do not wage war against them.
S. These are the most friendly, well disposed Indians inhabiting the Missouri. They are brave, humane, and hospitable. About 25 years since they lived in six villages, about forty miles below their present villages, on both sides of the Missouri. Repeated visitations of the small-pox, aided by frequent attacks of the Sioux, has reduced them to their present number. They claim no particular tract of country. They live in fortified villages, hunt immediately in their neighborhood, and cultivate corn, beans, squashes, and tobacco, which form articles of traffic with their neighbors the Assinniboin: they also barter horses with the Assinniboins for arms, ammunition, axes, kettles, and other articles of European manufacture, which these last obtain from the British establishments on the Assinniboin river. The articles which they thus obtain from the Assinniboins and the British traders who visit them, they again exchange for horses and leather tents with the Crow Indians, Chyennes, Wetepahatoes, Kiawas, Kanenavich, Stactan and Cataka, who visit them occasionally for the purpose of traffic. Their trade may be much increased. Their country is similar to that of the Ricaras. Population increasing.

A. Ahwâhâway.
B. Ah-wâh-hâ-way.
C. Gens des Soulier.
D. Menetarres.
E. One.
F.
G. 50.
H. 200.
I. On the southwest side of the Missouri, three miles above the Mandans.
J. See page 1049, J.
K. At the Mandan and Menetare villages.
L. 3000.
M. 1,000.
N. See page 1049, N.
O. See page 1049, O.
P. See page 1049, P.
Q. Defensive war with the Sioux, and offensive with Snake Indians and Flatheads.
R. With all who do not wage war against them, except the Snake Indians and Flatheads.
S. They differ but very little, in any particular, from the Mandans, their neighbors, except in the unjust war which they, as well as the Minetares, prosecute against the defenceless Snake Indians, from which I believe, it will be difficult to induce them to desist. They claim to have once been a part of the Crow Indians, whom they still acknowledge as relations. They have resided on the Missouri as long as their tradition will enable them to inform.

A. Minetares.
B. E-hât\`-sâr, { Me-ne-tar-re, 1st village.
Me-ne-tar-re-me-te-har-tar, 2d village.
C. Gross Ventres.
D. *.
E. Two.
F.
G. 6,000.
H. 2,500.
I. On both sides of Knife river, near the Missouri, five miles above the Mandans.
J. See page 1049, J.
K. At their villages and hunting camps.
L. 1,000.
M. 3,000.
N. See page 1049, N.
O. The same as the Mandans (see p. 1049, O.) with the addition of the white bear.
P. See p. 1049, P.
Q. Defensive war with the Sioux, and offensive with the Snake Indians and Flatheads.
R. With all, except the Snake Indians and Flatheads, who do not wage war against them.
S. They claim no particular country, nor do they assign themselves any limits; their tradition relates that they have always resided at their present villages. In their customs, manners, and dispositions, they are similar to the Mandans and Ahwahhaways. The scarcity of fuel induces them to reside, during the cold season, in large bands, in camps, on different parts of the Missouri, as high up that river as the mouth of the river Yellow Stone, and west of their villages, about the Turtle mountain. I believe that these people, as well as the Mandans and Ahwahhaways, might be prevailed on to remove to the mouth of Yellow Stone river, provided an establishment is made at that place. They have as yet furnished scarcely any beaver, although the country they hunt abounds with them; the lodges of these animals are to be seen within a mile of their villages. These people have also suffered considerably by the small-pox; but have successfully resisted the attacks of the Sioux. The Northwest Company intend to form an establishment in the course of

the next summer and autumn, on the Missouri, near these people, which, if effected, will most probably prevent their removal to any point which our Government may hereafter wish them to reside at.

A. Ayauwais.
B. Ah′-e-o-war′.
C. Ne Percé.
D. Missouri.
E. One.
F.
G. 200.
H. 800.
I. Forty leagues up the river Demoin on the southeast side.
J. Mr. Crawford, and other merchants from Michilimackinac.
K. At their village and hunting camps.
L. 3,800.
M. 6,000.
N. Deer skins principally, and the skins of the black bear, beaver, otter, grey fox, raccoon, muskrat, and mink.
O. Deerskins, beaver, black bear, otter, grey fox, raccoon, muskrat, and mink; also, elk, and deers' tallow and bear's oil.
P. At the mouth of the Kansas.
Q. Particularly with the Osage, Kansas, and Chippeways, la Fallorine, and those of Leach and Sand Lakes: sometimes with the Mahas and Sioux Wahpatone, Mindawarcarton and Wahpacoota.
R. With the Ottoes, Missouris, Sioux, Yanktonahnah, and all the nations east of the Mississippi, and south of the Chippeways.
S. They are the descendants of the ancient Missouries, and claim the country west of them to the Missouri; but as to its precise limits, or boundaries, between themselves and the Saukees and Foxes, I could never learn. They are a turbulent savage race, frequently abuse their traders, and commit depredations on those ascending and descending the Missouri. Their trade cannot be expected to increase much.

A. Saukees.
B. O′saw-kee.
C. la Sauk.
D. *
E. Two.
F.
G. 500.
H. 2,000.
I. On the west side of the Mississippi, 140 leagues above St. Louis.
J. Merchants from Michilimackinac and St. Louis.
K. At their villages, on the Mississippi in sundry places, and at Eel river on the Wabash.
L. 4,000.
M. 6,000.
N. See p. 1051, N.
O. See p. 1051, O.
P. At Prairie de Chien, (or dog plain.)
Q. With the Osage, Chippeways generally, and Sioux, except the Yankton-ahnah.
R. Kansas, Ottoes, Missouris, Panias, Mahas, Poncars, and Ayauways, and all the nations east of the Mississippi, and south of the Chippeways, also with the Yankton-ahnahs.
S. Saukees and Renars, or Foxes. These nations are so perfectly consolidated they may, in fact, be considered as one nation only. They speak the same language; they formerly resided on the east side of the Mississippi, and still claim the land on that side of the river, from the mouth of the Oisconsin to the Illinois river, and eastward towards Lake Michigan; but to what particular boundary, I am not informed; they also claim, by conquest, the whole of the country belonging to the ancient Missouris, which forms one of the most valuable portions of Louisiana, but what proportion of this territory they are willing to assign to the Ayouways, who also claim a part of it, I do not know, as they are at war with the Sioux, who live N. and N. W. of them, except the Yankton-ahnah. Their boundaries in that quarter are also undefined; their trade would become much more valuable if peace was established between them and the nations west of the Missouri, with whom they are at war; their population has remained nearly the same for many years; they raise an abundance of corn, beans, and melons; they sometimes hunt in the country west of them, towards the Missouri, but their principal hunting is on both sides of the Mississippi, from the mouth of the Oisconsin to the mouth of the Illinois river. These people are extremely friendly to the whites, and seldom injure their traders; but they are the most implacable enemies to the Indian nations with whom they are at war. To them is justly attributable the almost entire destruction of the Missouris, the Illinois, Cahokias, Kaskaskias, and Piorias.

A. Foxes.
B. Ot-târ-gâr-me.
C. la Renar.
D. Saukee.
E. One.
F.
G. 300.
H. 1,200.
I. Near the Saukees.
J. Merchants of Michilimackinac and St. Louis.
K. See p. 1051, K.
L. 2.500.
M. See page 1051, N.
O. See page 1051, O.
P. At Prairie de Chien. (or dog plain.)
Q. See page 1052, Q.
R. See page 1052, R.
S. See page 1052, S.

A. SIOUX PROPER.—(DARCOTAR.)

B.	C.	D.	E.	F.	G.	H.	I.	J.	K.
Wâh′-pa-tone - - -	La Soo.	* Darcotar or Sioux.	One.	80	200	700	On the north side of the river St. Peters, 18 leagues from its mouth.	Messrs. Campbell, Dickson, and others, who trade to Michilimackinac.	On the Mississippi and St. Peters rivers, at sundry places not stationary.
Min′-da-wâr′-cârton - -	Gens de Lake.	Ditto.	Ditto.	120	300	1,200	On the Mississippi, at the mouth of the river St. Peters.	Ditto.	Ditto.
Wâh′-pa-coo-ta - -	La Soo.	Ditto.	–	60	150	400	On the south-west side of the river St. Peters, 30 leagues above its mouth, in Arrow Stone Prairies.	Ditto.	Ditto.
Sissatoné - - - -	La Soo.	Ditto.	–	80	200	800	On the heads of the river St. Peters and Red river of Lake Winnipie.	Mr. Cammaron, a merchant who trades extensively to Michilimackinac.	An establishment at the head of St. Peters river, about 130 leagues from its mouth.
Yank′-ton, (of the north or plains.)	La Soo.	Ditto.	–	200	500	1,600	From the heads of the river St. Peters and Red river to the Missouri, about the *great bend.*	Ditto.	Ditto.
Yank′-ton âh-nâh - -	La Soo.	Ditto.	–	80	200	700	From the river All Jacque eastwardly, on the lower portion of the river Sioux and heads of Foids river, Little Sioux and Demoin rivers.	Principally with Mr. Crawford, of the river Demoin.	On the river Demoin at their hunting camps, and sometimes at the Ayauwais village Prairie de Chien.
Té-ton - - - -	Bois brûle.	Ditto.	–	120	300	900	On the east side of the Missouri, from the mouth of White river to Teton river.	Mr. Loisell & Co., of St. Louis.	At the Cedar Island, and near the mouth of the Chyenne river, on the Missouri.
Téton,-o-kan-dan-das -	La Soo.	Ditto.	–	50	120	360	On each side of the Missouri, from the mouth of Teton river to the mouth of the Chyenne river.	Ditto.	Ditto, and at the Rickaras.
Té-ton-,min-na-kine-az′zo -	La Soo.	Ditto.	–	100	250	750	From the mouth of the Chyenne river on each side of the Missouri as high as the Rickaras.	Ditto.	Ditto.
Té-ton,-sâh-o-né - -	La Soo.	Ditto.	–	120	300	900	On each side of the Missouri from the Rickaras to the mouth of Warreconne river.	Ditto.	Ditto.

A. SIOUX PROPER.—(Darcotar.)—Continued.

B.	L.	M.	N.	O.	P.	Q.	R.
Wâh′-pa-tone	10,000	18,000	Deer skins principally, skins of the black bear, otter, fisher, marten, raccoon, grey foxes, muskrats, and minks.	Skins of the small deer, black bear, otter, beaver, fisher, marten, raccoon, grey fox, muskrat, and mink; also, elk and deers, tallow and bears' oil.	On the west side of the Mississippi, about the mouth of St. Peters river, or falls of St. Anthony.	Principally with the Chippeways, La Follovoine, and those of Leach and Sandy lakes; defensive with the Saukees, Renars, and Ayauwais.	With the Sioux bands and all the nations east of the Mississippi, and south of the Chippeways, who never wage war against the nations on the Missouri.
Min′da,-wâr′-câr-ton	8,700	16,000	Ditto.	Ditto.	Ditto.	Ditto.	Ditto.
Wâh′-pa-coo-ta	3,800	6,000	Ditto, with a much larger proportion of otter.	Ditto.	Ditto.	With the Chippeways generally, and sometimes an offensive war on the nations most convenient to them on the Missouri.	Ditto.
Sis-sa-toné	17,000	30,000	Ditto, with a much larger proportion of beaver, otter, and black bear.	Ditto.	About the head of the river St. Peters, at the portage between that river and the Red river, of lake Winnipie.	With the Chippeways generally, the Assinniboins, Christenois, Mandans, Minetares, Ahwahhaways and Chyennes.	Ditto, and partially with the Ricaras.
Yank′ton, (of the north or plains.)	1,800	3,000	Buffalo robes and wolf skins.	Ditto, and buffalo robes, tallow, dried meat, and grease, in addition.	Ditto, and on the Missouri, near the mouth of Chyenne river.	Ditto.	With the other Sioux bands, and partially with the Ricaras.
Yank′-ton âh′nâh	3,000	5,000	Deer and raccoon principally, some black bear, beaver, and otter.	Buffalo robes, tallow, dried meat, and grease, skins of the small deer, black bear, wolves, elk, raccoon, elk and deers, tallow and bears' oil.	At the Council Bluff, or mouth of river Chyenne.	With the Ricaras and the nations on the lower portion of the Missouri and west of it within their reach, except the Mahas and Poncars; also with the Chippeways.	Mahas, Poncaras, Saukees, Renars, Ayauwais and the nations east of the Mississippi and south of the Chippeways; also, with the other bands of Sioux.
Té-ton	5,000	7,000	Buffalo robes, grease and tallow, dressed buffalo skins, and some dried meat.	Buffalo robes, tallow, grease, and dried meat, skins of the beaver, small and large foxes, small and large wolf, antelope, elk, and deer, in great abundance; also, elk and deers' tallow, and grisly bears.	At or near the mouth of the Chyenne river.	With all the nations on the lower portion of the Missouri, and west of it within their reach; also, the Mandans, Ahwahhaways, the Minitares, Assinniboins, Christenois, and Chippeways.	With all the other bands of Sioux, and with none else except partially with Ricaras, whom they keep in perpetual dread of them, and plunder without reserve.
Té-ton,-o-kan-dan-dâs	1,500	2,500	Ditto.				
Té-ton,-min-na-kine-az′zo	2,000	3,000	Ditto.				
Té-ton,-sâh-o-né	2,300	3,500	Ditto.				

S. **Wahpatone.**—Claim the country in which they rove on the northwest side of the river St. Peter's, from their village to the mouth of the Chippewa river, and thence northeastwardly towards the head of the Mississippi, including the Crow-wing river. Their lands are fertile, and generally well timbered. They are only stationary while the traders are with them, which is from the beginning of October to the last of March. Their trade is supposed to be at its greatest extent. They treat their traders with respect, and seldom attempt to rob them. This, as well as the other Sioux bands, act, in all respects, as independently of each other as if they were a distinct nation.

S. **Mindawarcarton.**—It is the only band of Sioux that cultivates corn, beans, &c., and these even cannot properly be termed a stationary people. They live in tents of dressed leather, which they transport by means of horses and dogs, and ramble from place to place during the greater part of the year. They are friendly to their own traders; but the inveterate enemies to such as supply their enemies, the Chippewas, with merchandise. They also claim the country in which they hunt, commencing at the entrance of the river St. Peter's, and extending upwards, on both sides of the Mississippi river, to the mouth of the Crow-wing river. The land is fertile and well watered; lies level and is sufficiently timbered. Their trade cannot be expected to increase much.

S. **Wahpacoota.**—They rove in the country outhwest of the river St. Peter's, from a place alled the Hardwood to the mouth of the Yellow Medicine river; never stationary but when their raders are with them, and this does not happen t any regular or fixed point. At present they reat their traders tolerably well. Their trade annot be expected to increase much. A great roportion of their country is open plains, lies evel, and is tolerably fertile. They maintain a artial traffic with the Yanktons and Tetons to e west of them; to these they barter the arti- es which they obtain from the traders on the ver St. Peter's, and receive in return horses, me robes and leather lodges.

S. **Sissatone.**—They claim the country in hich they rove, embracing the upper portions of e Red river, of Lake Winnipie, and St. Peter's. is a level country, intersected with many small kes. The land is fertile and free of stone; the ost of it open plains. This country abounds ore in the valuable fur animals, the beaver, otter, d marten, than any portion of Louisiana yet own. This circumstance furnishes the Sissa- nes with the means of purchasing more mer- andise in proportion to their number than any tion in this quarter. A great proportion of this erchandise is reserved by them for their trade th the Tetons, whom they annually meet at me point previously agreed upon, on the waters James river, in the month of May. This In- n fair is frequently attended by the Yanktons the North and Ahnah. The Sissatones and nktons of the North here supply the others h considerable quantities of arms, ammunition, axes, knives, kettles, cloth, and a variety of other articles; and receive in return principally horses, which the others have stolen or purchased from the nations on the Missouri and west of it. They are devoted to the interests of their traders.

S. **Yanktons of the North.**—This band, although they purchase a much smaller quantity of merchandise than the Sissatones, still appropriate a considerable proportion of what they do obtain in a similar manner with that mentioned of the Sissatones. This trade, as small as it may appear, has been sufficient to render the Tetones independent of the trade of the Missouri, in a great measure, and has furnished them with the means not only of distressing and plundering the traders of the Missouri, but also of plundering and massacreing the defenceless savages of the Missouri, from the mouth of the river Platte to the Minetares, and west to the Rocky mountains. The country these people inhabit is almost one entire plain, uncovered with timber; it is extremely level, the soil fertile, and generally well watered.

S. **Yanktons Ahnah.**—These are the best disposed Sioux who rove on the banks of the Missouri, and these even will not suffer any trader to ascend the river, if they can possibly avoid it. They have, heretofore, invariably arrested the progress of all those they have met with, and generally compelled them to trade at the prices, nearly, which they themselves think proper to fix on their merchandise. They seldom commit any further acts of violence on the whites. They sometimes visit the river Demoin, where a partial trade has been carried on with them, for a few years past, by a Mr. Crawford. Their trade, if well regulated, might be rendered extremely valuable. Their country is a very fertile one; it consists of a mixture of wood lands and prairies. The land bordering on the Missouri is principally plains with but little timber.

S. **Tetons Bois Brule, Tetons Okandandas, Tetons Minnakineazzo, Tetons Sahone.** These are the vilest miscreants of the savage race, and must ever remain the pirates of the Missouri, until such measures are pursued by our Government, as will make them feel a dependence on its will for their supply of merchandise. Unless these people are reduced to order by coercive measures, I am ready to pronounce that the citizens of the United States can never enjoy but partially the advantages which the Missouri presents. Relying on a regular supply of merchandise through the channel of the river St. Peter's, they view with contempt the merchants of the Missouri, whom they never fail to plunder when in their power. Persuasion or advice, with them, is viewed as supplication, and only tends to inspire them with contempt for those who offer either. The tameness with which the traders of the Missouri have heretofore submitted to their rapacity has tended not a little to inspire them with contempt for the white persons who visit them through that channel. A prevalent idea among them, and one which they make the rule of their conduct, is, that the more illy they treat the traders the greater quantity of merchandise they will bring them, and that they will thus obtain the articles they wish on better terms; they have endeavored to inspire the Ricaras with similar sentiments, but happily without any considerable effect. The country in which these four bands rove is one continued plain, with scarcely a tree to be seen, except on the water courses, or the steep declivities of hills, which last are but rare. The land is fertile, and lies extremely well for cultivation; many parts of it are but badly watered. It is from this country that the Missouri derives most of its coloring matter; the earth is strongly impregnated with glauber salts, alum, copperas, and sulphur, and when saturated with water, immense bodies of the hills precipitate themselves into the Missouri, and mingle with its waters. The waters of this river have a purgative effect on those unaccustomed to use it. I doubt whether these people can ever be induced to become stationary; their trade might be made valuable if they were reduced to order. They claim jointly with the other bands of the Sioux, all the country lying within the following limits viz: beginning at the confluence of the river De moin and Mississippi, thence up the west side o the Mississippi to the mouth of the St. Peter' river, thence on both sides of the Mississippi t the mouth of Crow wing river, and upwards wit that stream, including the waters of the uppe part of the same; thence to include the waters o the upper portion of Red river, of Lake Winnipie and down the same nearly to Pembenar river thence a southwesterly course to intersect th Missouri at or near the Mandans, and with tha stream downwards to the entrance of the Warre cunne creek, thence passing the Missouri it goe to include the lower portion of the river Chyenne all the waters of White river and river Téton, in cludes the lower portion of the river Quicurre and returns to the Missouri, and with that strean downwards to the mouth of Waddipon river, an thence eastwardly to intersect the Mississippi a the beginning.

The subdivisions of the Darcotar or Sioux nations, with the names of the principal chiefs of each band an subdivision.

Names of the Bands.	Names of the subdivisions.	Names of the Chiefs.	Remarks.
Mindawarcarton - -	Mindawarcarton.	*Ne-co-hun-dah.	Those marked with a sta are the principal chiefs o their respective bands, a well as their own subdivisions.
	Kee-uke-sah.	Tar-tong-gar-mah-nee.	
	Tin-tah-ton.	Cha-tong-do-tah.	
	Mah-tah-ton.		
Wahpatone - -	Wah-pa-tone.	*Tar-car-ray.	
	O-ta-har-ton.	War-bo-sen-dat-ta.	
Wahpacoota - -	Wah-pa-coo-ta.	*War-cah-to.	
	Mi-ah-kee-jack-sah.	Chit-tah-wock-kun-de-pe	
Sissatone - -	Sissatone.	*Wack-he-en-do-tar.	
	Caw-ree.	Tar-tung-gan-naz-a.	
Yankton, (of the North.)	Kee-uke-sah.	*Mah-to-wy-ank-ka - -	Said individually to be ver friendly to the whites. H possesses great influenc in his band and nation.
	Sah-own.	Arsh-kane.	
	Hone-ta-par-teen.	Pit-ta-sah.	
	Hah-har-tones.	Mah-pe-on-do-tak.	
	Hone-ta-par-teen-waz.	Tat-tung-gar-weet-e-co.	
	Za-ar-tar.		
Yankton-ahnah - -	Yank-ton-sa-char-hoo.	*Nap-pash-scan-na-mah-na	Accepted a medal and fla of the United States.
	Tar-co-im-bo-to.	War-ha-zing-ga - -	Accepted a medal.
Teton, (Bois brûlé.) -	E-sah-a-te-ake-tar-par.	*Tar-tong-gar-sar-par -	Accepted a medal and flag.
	War-chink-tar-he.	Man-da-tong-gar - -	A great scoundrel; we gav him a medal before w were acquainted with hi character.
	Choke-tar-to-womb.	Tar-tang-gar-war-har.	
	Oz-ash.	Mah-zo-mar-nee.	
	Me-ne-sharne.	Wah-pah-zing-gar.	
Teton,O-kan-dan-das -	She-o,	*O-ase-se-char.	
	O-kan-dan-das.	Wah-tar-pa.	
Teton,min-na-kine-az-zo	Min-na-kine-az-zo.	*Wock-ke-a-chauk-in-dish-kah.	
	Wan-nee-wack-a-ta-o-ne-lar.		
	Tar-co-eh-parh.	Chan-te-wah-nee-jah.	
Teton,sah-o-ne - -	Sah-o-ne.	*Ar-kee-che-tar.	
	Tack-chan-de-see-char.	War-min-de-o-pe-in-doo-tar.	
	Sah-o-ne-hont-a-par-par.	Sharh-ka-has-car.	

A. Chyennes.
B. Shâr'-ha.
C. La Chien.
D. *
E.
F. 110.
G. 300.
H. 1,200.

I. About the source of the river Chyenne, in the black hills.

J. Mr. Loiselle & Co., of St. Louis.

K. On the river Chyenne, not stationary, and at the Ricaras village.

L. 1,500.

M. 2,000.

N. Buffalo robes of best quality.

O. Buffalo robes, tallow, grease, and dried meat, skins of the beaver, small and large foxes, small and large wolf, antelope, elk and deer in great abundance; also, elk and deer tallow, a few grizzly bear, skins of the white bear, and big-horned antelopes.

P. At or near the mouth of Chyenne river.

Q. A defensive war with the Sioux, and at war with no other within my knowledge.

R. With all their neighbors except the Sioux.

S. They are the remnant of a nation once respectable in point of numbers; formerly resided on a branch of the Red river of Lake Winnipie, which still bears their name. Being oppressed by he Sioux, they removed to the west side of the Missouri, about fifteen miles below the mouth of Warricunne creek, where they built and fortified a village; but being pursued by their ancient enemies, the Sioux, they fled to the Black hills about he head of the Chyenne river, where they wander in quest of the buffalo, having no fixed resi-ence. They do not cultivate. They are well-isposed towards the whites, and might easily be aduced to settle on the Missouri, if they could be ssured of being protected from the Sioux. Their umber annually diminishes. Their trade may e made valuable.

A. Wetepâhâ'toes.
B. We-te-pâ-hâ'-to.
C. Wete-pahatoes.
D. *
E.
F. 70, including the Kiâwâs.
G. 200, including the Kiawas.
H. 700, including the Kiawas.
I. On the Paduca fork of the river Platte.
J. No trader.
K. L. M. N.

O. The same as the Tetons. (See first table; so, horses.

P. At or near the mouth of Chyenne river.

Q. A defensive war with the Sioux, and at war ith no other within my knowledge.

R. With all their wandering neighbors to the est, and particularly with Ricaras, Mandans, inatares, and Ahwahhaways, whom they occanally visit for the purpose of trafficking their rses, mules, &c., for European manufactures.

S. They are a wandering nation, inhabit an open country, and raise a great number of horses, which they barter to the Ricaras, Mandans, &c., for articles of European manufactory. They are a well-disposed people, and might be readily induced to visit the trading establishments on the Missouri. From the animals their country produces, their trade would, no doubt, become valuable. These people again barter a considerable proportion of the articles they obtain from the Menetares, Ahwahhaways, Mandans, and Ricaras, to the Dotames and Castapanas.

A. Kiâwâs.
B. Ki-â-wâ.
C. Kiâwâs.
D. *
E.
F. See page 1061, F.
G. See page 1061. G.
H. See page 1061, H.

I. On the Paduca, and frequently with the Wetepahatoes.

J. No trader.
K. L. M. N.
O. See page 1061, O.
P. At, or near the mouth of Chyenne river.
Q. See page 1061, Q.
R. See page 1061, R.

S*. What has been said of the Wetepahatoes is in all respects applicable to those people also. Neither these people, the Wetepahatoes, nor the Chyennes, have any idea of exclusive right to the soil.

A. Kanenavish.
B. Kan-e-nâ'-vish.
C. Gens-des-Vache.
D. *
E.
F. 150.
G. 400.
H. 1,500

I. On the heads of the Paducas fork of the river Platte, and S. fork of Chyenne river.

J. No trade.
K. L. M. N.
O. See page 1061, O.
P. At or near the mouth of Chyenne river.
Q. See page 1061, Q.
R. See page 1061, R.
S*. See page 1062, S.

A. Staetan.
B. Sta'-e-tan.
C. Kites.
D. *
E.
F. 40.
G. 700.
H. 400.

I. On the head of the Chyenne, and frequently with the Kanenavish.

J. K. L. M. N.
O. See page 1061, O.
P. At, or near the mouth of Chyenne river.

Q. See page 1061.
R. See page 1061, R.
S. See page 1062, S.

A. Cataka.
B. Cat'-a-kâ.
C. Cat'akâ.
D. *
E.
F. 25.
G. 75.
H. 300.

I. Between the heads of the north and south forks of the river Chyenne.

J. K. L. M. N.
O. See page 1061, O.
P. At, or near the mouth of the Chyenne river.
Q. See page 1061, Q.
R. See page 1061, R.
S. See page 1062, S.

A. Nemousin.
B. Ne'-mo-sin.
C. Allebome.
D. *
E.
F. 15.
G. 50
H. 200.

I. On the head of the north fork of the river Chyenne.

J. No trader.
K. L. M. N.
O. See page 1061, O.
P. At or near the mouth of the Chyenne river.
Q. A defensive war with the Ricaras and Sioux.

R. The same as the Wetepahatoes (see page 1061. R.) except the Ricaras.

S. These differ from the others (viz. Wetepahatoes, Kiawas, Kanenavish, Staetan and Cataka) inasmuch as they never visit the Ricaras; in all other respects they are the same, see page 1062, S.

A. Dotame.
B. Do-ta'-me.
C. Dotame.
D. *
E.
F. 10.
G. 30.
H. 120.
I. On the head of the river Chyenne.
J. No trader.
K. L. M. N.
O. See page 1061, O.
P. At or near the mouth of the Chyenne river.
Q. See page 1061, Q.
R. See page 1061, R.

S. The information I possess, with respect to this nation, is derived from Indian information: they are said to be a wandering nation, inhabiting an open country, and who raise a great number of horses and mules. They are a friendly, well disposed people, and might, from the position of their country, be easily induced to visit an establishment on the Missouri, about the mouth of Chyenne river. They have not, as yet, visited the Missouri.

A. Castahana.
B. Cas-ta-ha'-na.
C. Castahana.
D. *
E.
F. 500.
G. 1,300.
H. 5,000.

I. Between the sources of the Padoucas fork, of the rivers Platte and Yellow Stone.

J. No traders.
K. L. M. N.

O. The same as the Chyennes (see p. 1061,O) and the skins of the lynx, or louverin, and martens in addition.

P. At or near the mouth of the river Yellow Stone on the Missouri.

Q. A defensive war with the Sioux and Assinniboins.

R. See page 1061, R.

S. What has been said of the Dotames is applicable to these people, except that they trade principally with the Crow Indians, and that they would most probably prefer visiting an establishment on the Yellow Stone river, or at its mouth on the Missouri.

A. Crow Indians.
B. Kee'-kât'-sâ.
C. Gens des Corbeau.
D. Minetarre.
E.
F. 350.
G. 900.
H. 3,500.

I. On each side of the river Yellow Stone, abou the mouth of the Bighorn river.

J. No trader.
K. L. M. N.
O. See page 1064, O.

P. At or near the mouth of the river Yellow Stone, on the Missouri.

Q. Defensive with the Sioux and Ricaras.

R. The same as the Wetepahatoes, (see page 1061, R.) except the Ricaras.

S. These people are divided into four bands called by themselves Ahâh'-âr-ro'-pir-no-pah Noo'-ta, Pa-rees-car, and E-hart'-sar. They annually visit the Mandans, Minetares, and Ahwahhaways, to whom they barter horses, mules, leathe lodges, and many articles of Indian apparel, fo which they receive in return, guns, ammunition axes, kettles, awls, and other European manufactures. When they return to their country, they are in turn visited by the Paunch and Snake In dians, to whom they barter most of the article they have obtained from the nations on the Mis souri, for horses and mules, of which those nation have a greater abundance than themselves. The also obtain of the Snake Indians, bridlebits and blankets, and some other articles which those Indians purchase from the Spaniards. The bridle bits and blankets I have seen in the possession o the Mandans and Minetares. Their country is fertile, and well watered, and in most parts well timbered.

A. Paunch Indians.
B. Al-la-kâ'-we-âh.
C. Gens de Panse.
D. *
E.
F. 300.
G. 800.
H. 2,300.
I. On each side of the Yellow Stone river, near the Rocky Mountains, and heads of the Bighorn river.
J. No trader.
K. L. M. N.
O. See page 1064, O.
P. At or near the mouth of the river Yellow Stone, on the Missouri.
Q. Defensive with the Sioux and Ricaras.
R. The same as the Wetepehatoes (see page 1061, R.) except the Ricaras.

S. These are said to be a peaceable, well disposed nation. Their country is a variegated one, consisting of mountains, valleys, plains, and woodlands, irregularly interspersed. They might be induced to visit the Missouri, at the mouth of the Yellow Stone river; and from the great abundance of valuable furred animals which their country, as well as that of the Crow Indians, produces, their trade must become extremely valuable. They are a roving people, and have no idea of exclusive right to the soil.

A.—ASSINNIBOIN.—(NACÔTA.)

B.	C.	D.	E.	F.	G.	H.	I.	J.	K.
Ma-ne-to'-pâ -	Gens des Canoe.	Sioux, with some few words peculiar to themselves.	-	100	200	750	On the Mouse river, between the Assinniboin and the Missouri.	British Hudson's Bay, and the N. W. and X. Y. Canadian Companies.	Establishm'ts on the Assinniboin river.
O-seé-gâh -	Gens des Tee.		-	100	250	850	From the Missouri, about the mouth of Little Missouri, to the Assinniboin, at the mouth of Capelle river.		Establishm'ts on the Assinniboin and Capelle rivers.
Mâh'-to-pâ-nâ-to	Gens des grand Diable.		-	200	450	1,600	On the Missouri, about the mouth of the White Earth river, and on the head of the Assinniboin and Capelle rivers.		Do., & occasionally at the establish'ts on river Saskashawan.

A.—ASSINNIBOIN—(NACOTA)—Continued.

B.	L.	M.	N.	O.	P.	Q.	R.
Ma-ne-to'-pâ -	4,500	7,000	-	Buffalo robes, tallow, dried and pounded meat and grease, skins of the large & small fox, small and large wolves, antelopes (or cabri) and elk in great abundance; also, some brown, white, and grizly bear, deer and lynx.	At or near the mouth of the river Yellow Stone, on the Missouri.	Reciproc'lly with the Sioux; offensive with the Ricaras, Castahana, Paunch, Crow, & Snake Indians, and all those southwest Missouri, within their reach.	With all their own tribes; Christenoes, (branch of the Knistenaus,) & partially with the Chippeways of Pembena, Algonquins of Portage de Prairie, Mandans, Minetares, & Ahwahhawas.
)-seé-gâh -	6,000	6,500	Buffalo meat dried or pounded, and grease in bladders principally; also wolves, a few beaver, and buffalo robes.				
Iâh'-to-pâ-nâ-to	8,000	8,000	-	Do., with more bears, and some marten.			

S. MANETOPA, OSEEGAH, MAHTOPANATO—Are the descendants of the Sioux, and partake of their urbulent and faithless disposition: they frequently plunder, and sometimes murder, their own tra-ers. The name by which this nation is generally known was borrowed from the Chippeways, who all them *Assinniboan*, which, literally translated, is *Stone Sioux*. Hence the name of *Stone Indians*, y which they are sometimes called. The country in which they rove is almost entirely uncovered vith timber; lies extremely level, and is but badly watered in many parts. The land, however, is olerably fertile, and unencumbered with stone. They might be induced to trade at the river Yelow Stone, but I do not think that their trade promises much. Their number continues about the ame. These bands, like the Sioux, act entirely independent of each other, although they claim a ational affinity, and never make war oneach other. The country inhabited by the Mahtopanato ossesses rather more timber than the other parts of the country. They do not cultivate.

A.—CHIPPEWAYS.

B.	C.	D.	E.	F.	G.	H.	I.	J.	K.	L.	M.
O-jib′-â-way	La Sauteur.	* -	1	-	400	1,600	On an island in a small lake, called Leach lake, formed by the Mississippi river.	N.W. Company.	At their villages & hunting camps on the Mississippi.	12,000	16,000
Ditto -		Chippeway	-	-	200	700	About the head of the Mississippi, & around Red lake.	Ditto -	At an establishm't on Red lake, and at their hunting camps.	8,000	10,000
Ditto -		Ditto -	-	-	100	350	On the Red river of Lake Winnipie, and about the mouth of Pembanar river.	N. W. and X.Y. Companies.	Establishm'ts near the mouth Pembanar river, and at their hunting camps.	7,000	10,000

A.—CHIPPEWAYS—Continued.

B.	N.	O.	P.	Q.	R.
Ojibaway -	Beaver, otter, black bear, racoon, fox, marten, mink, fisher, and deer-skins.	Beaver, otter, black bear, racoon, grey fox, marten, mink, fisher, and deer skins.	On the north side of the Mississippi, at Sandy lake.	With all the tribes Sioux, Saukees, Renars, and Ayouwais.	All the tribes of Chippeways, and the nations inhabiting Lakes Superior, Michigan, and the country E. of the Mississippi.
Ditto -	Ditto, and bark canoes.	Ditto, and bark canoes.	On the Red lake, near the head of the Mississippi.	! The Sioux only.	
Ditto -	Ditto, principally, beaver and otter, but no canoes; some wolverine & lynx.	Ditto, except canoes, with wolverine and lynx in addition.	On the Red river of Lake Winnipie, about the mouth of the Assinniboin river.	† The Sioux, and partially with the Assinniboins.	Ditto, and with the Christenoes and Algonquins.

S. Chippeways, *of Leach lake.* Claim the country on both sides of the Mississippi, from the mouth of the Crow-wing river to its source, and extending west of the Mississippi to the lands claimed by the Sioux, with whom they still contend for dominion. They claim, also, east of the Mississippi, the country extending as far as Lake Superior, including the waters of the river St. Louis. This country is thickly covered with timber generally; lies level, and generally fertile, though a considerable proportion of it is intersected and broken up by small lakes, morasses and swamps, particularly about the heads of the Mississippi and river St. Louis. They do not cultivate, but live principally on the wild rice, which they procure in great abundance on the borders of Leach Lake and the banks of the Mississippi. Their number has been considerably reduced by wars and the small pox. Their trade is at its greatest extent.

Of Red lake. Claim the country about Red lake and Red lake river, as far as the Red river, of Lake Winnipie, beyond which last river they contend with the Sioux for territory. This is a low level country, and generally thickly covered with timber, interrupted with many swamps and morasses. This, as well as the other bands of Chippeways, are esteemed the best hunters in the northwest country; but from the long residence of this band in the country they now inhabit, game is becoming scarce; therefore, their trade is supposed to be at its greatest extent. The Chippeways are a well disposed people, but excessively fond of spirituous liquor.

Of river Pembena. These people formerly resided on the east side of the Mississippi, at Sand lake, but were induced, by the Northwest Company, to remove, about two years since, to the river Pembena. They do not claim the lands on which they hunt. The country is level and the soil good. The west side of the river is principally prairies or open plains; on the east side there is a greater proportion of timber. Their trade at present is a very valuable one, and will probably increase for some years. They do not cultivate, but live by hunting. They are well disposed towards the whites.

A. ALGONQUINS.

B.	C.	D.	E.	F.	G.	H.	I.	J.
O-jib′-a-wây	Algonquins -	Chippeways -			100	300	On the south side of Rainy Lake, Rainy Lake river, and the Lake of the Wood.	N. W. and X. Y. companies.
Ditto - -	Algonquins -	Chippeways -			200	600	About the mouth of the Assinniboin, on Red river.	N. W. and X. Y. companies.

A. ALGONQUINS—Continued.

B.	K.	L.	M.	N.
O-jib′-â-way - - -	Establishments on the rivers Winnipie and Rainy Lake, and at their hunting camps.	4,000	6,000	Principally birch bark canoes.
Ditto - - - -	Establishments on the Assiniboin at Fort de Prairie.	8,000	11,000	Beaver, otter, raccoon, black bear, large fox, mink, and a few deer.

A. ALGONQUINS—Continued.

B.	O.	P.	Q.	R.
O-jib′-â-way	The same as the Chippewas, but in small quantities, and canoes. (See page 1067, O.)	At the Red Lake establishment.	The Sioux, and partially with the Assiniboins.	All the the tribes of the Chippewas, Algonquins, and Christenoes.
Ditto - -	Beaver, otter, raccoon, black bear, large fox, mink, deer, wolves, and muskrats.	At the Red river establishment.		

S. ALGONQUINS, *of Rainy Lake, &c.*—With the precise limits of the country they claim, I am not informed. They live very much detached, in small parties. The country they inhabit is but an indifferent one; it has been much hunted, and the game, of course, nearly exhausted. They are well disposed toward the whites. Their number is said to decrease. They are extremely addicted to spirituous liquor, of which large quantities are annually furnished them by the Northwest traders in return for their bark canoes. They live wretchedly poor.

Of Portage de Prairie.—These people inhabit a low, flat, marshy country, mostly covered with timber, and well stocked with game. They are emigrants from the Lake of the Woods and the country east of it, who were introduced, some years since, by the Northwest traders, in order to hunt the country on the lower parts of Red river, which then abounded in a variety of animals of the fur kind. They are an orderly, well-disposed people, but like their relations on Rainy Lake, extremely addicted to spirituous liquors. Their trade is at its greatest extent.

A. Christenoes or Knistenaus.
B. Chris′-te no.
C. Cree.
D. Chippeways, with a different accent, and many words peculiar to themselves.
E.
F. 150.
G. 300.
H. 1,000.
I. On the heads of the Assinniboin, and thence towards the Saskashawan.
J. Hudson's Bay, northwest and X. Y. companies.
K. Establishments on the Assinniboin, Swan Lake river, and the Saskashawan.
L. 15,000.
M. 15,000.
N. Beaver, otter, lynx, wolverine, marten, mink, wolf, small fox, (or kitts,) dressed elk and moose-deer skins.
O. The skins of the beaver, otter, lynx, wolf, wolverine, marten, mink, small fox, brown and grizzly bear, dressed elk and moose-deer skins, muskrat skins, and some buffalo robes, dried meat, tallow and grease.
P. On the Missouri, at or near the mouth of the Yellow Stone river.
Q. With the Sioux, Fall, Blood, and Crow Indians.
R. With the Assinniboins, Algonquins, Chippewas, Mandans, Minatares, and Ahwahhaways.
S. They are a wandering nation; do not culti-

vate, nor claim any particular tract of country. They are well disposed towards the whites, and treat their traders with respect. The country in which they rove is generally open plains, but in some parts, particularly about the head of the Assinniboin river, it is marshy and tolerably well furnished with timber, as are also the Fort Dauphin mountains, to which they sometimes resort. From the quantity of beaver in their country, they ought to furnish more of that article than they do at present. They are not esteemed good beaver hunters. They might probably be induced to visit an establishment on the Missouri, at the Yellow Stone river. Their number has been reduced, by the small-pox, since they were first known to the Canadians.

A. Fall Indians.
B. A-lân-sâr.
C. Fall Indians.
D. Minetare.
E.
F. 260.
G. 660.
H. 2,500.
I. On the head of the South Fork of the Saskashawan river, and some streams supposed to be branches of the Missouri.
J. Northwest Company.
K. Upper establishment on the Saskashawan; but little trade.
L. 1,000.
M. 4,000.
N. Beaver and marten.
O. Skins of the beavers, brown, white, and grizzly bear, large and small foxes, muskrat, marten, mink, lynx, wolverine, wolves, white hares, deer, elk, moose-deer, antelopes of the Missouri, and some buffalo.
P. At or near the falls of the Missouri.
Q. Defensive war with the Christenoes.
R.
S. The country these people rove in is not much known. It is said to be a high, broken, woody country. They might be induced to visit an establishment at the falls of the Missouri. Their trade may, no doubt, be made profitable.

A. Cattanahaws.
B. Cat-tan-a-hâws.
C. Cattanahâws.
D. *
E. F. G. H.
I. Between the Saskashawan and the Missouri, on waters supposed to be of the Missouri.
J. No trader.
K. L. M. N.
O. See page 1071, O.
P. At or near the falls of the Missouri.
Q. R.
S. What has been said of the Fall Indians is, in all respects, applicable to this nation. They are both wandering nations.

A. Blackfoot Indians.
B.
C. Blackfoot Indians.
D. *
E. F. G. H.
I. Between the Saskashawan and the Missouri, on waters supposed to be of the Missouri.
J. No trader.
K. L. M. N.
O. See page 1071, O.
P. At or near the falls of the Missouri.
Q. R.
S. See page 1071, S.

A. Blue Mud and Long Hair Indians.
B.
C. Blue Mud and Long Hair Indians.
D. *
E. F. G. H.
I. West of the Rocky mountains, and near the same on water courses supposed to be branches of the Columbia river.
J. No trader.
K. L. M. N.
O. Not known, but from the position of their country supposed to abound in animals similar to those mentioned in page 1071, O.
P. Q. R.
S. Still less is known of these people, or their country. The water courses on which they reside, are supposed to be branches of the Columbia river. They are wandering nations.

A. Flatheads.
B. Tut-seé-wâs.
C. Flat-head Indians.
D. *
E. F. G. H.
I. On the west side of a large river, lying west of the Rocky mountains, and running north, supposed to be the south fork of the Columbia river.
J. No trader.
K. L. M. N.
O. See page 1071, O.
P.
Q. Defensive war with the Minetares.
R.
S. The information I possess with respect to these people has been received from the Minetares, who have extended their war excursions as far westerly as that nation, of whom they have made several prisoners, and brought them with them to their villages on the Missouri. These prisoners have been seen by the Frenchmen residing in this neighborhood. The Minetares state, that this nation resides in one village on the west side of a large and rapid river, which runs from south to north, along the foot of the Rocky mountains on their west side, and that this river passes at a small distance from the three forks of the Missouri. That the country between the mountains and the river is broken, but on the opposite side of the river it is an extensive open plain, with a number of barren, sandy hills, irregularly distributed over its surface as far as the eye can reach. They are a timid, inoffensive, and defenceless people. They are said to possess an abundance of horses.

A. ALIATANS.

	B.	C.	D.	E.	F.	G.	H.	I.
Snake Indians - -	So-so-na' - - - So-so-bâ, and I'-â-kar	Gens des Serpent	*Aliatan.			Very numerous.		Among the rocky mountains, on the heads of the Missouri, Yellow Stone, and Platte rivers.
Of the West - -	Ali'-a-tan - - -	Aliata -	Aliatan.					Among the rocky mountains, and also in the plains at the heads of the Platte and Arkansas rivers.
La Plays - - -		La Plays -	Aliatan.					The mountains on the borders of New Mexico, and the extensive plains at the heads of the Arkansas and Red rivers.

A. ALIATANS—Continued.

	J.	K.	L.	M.	N.	O.
Snake Indians - - -	With the Spaniards of New Mexico.	The place at which this trade is carried on is not known.				The same with the Fall, Catanahaws, and Blackfoot Indians, except buffaloes; but they have, in addition, immense quantities of horses, mules, and asses.
Of the West -						Immense quantities of horses, mules, asses, buffalo, deer, elk, black bear, and large hares; and in the northern regions of their country, big horn, and Missouri antelopes, with many animals of the fur kind.
La Plays - - -						

A. ALIATANS.—Continued.

	P.	Q.	R.
Snake Indians - -	At or near the Falls of the Missouri.	Defensive war with the Ricaras, Sioux, Assinniboins, Christenoes, Ahwahhaways, Minetares, and all the nations inhabiting the Saskashawan river.	Mandans and Crow Indians, and all those who do not attack them.
Of the West - -	On the Arkansas, as high up as possible. It would be best that it should be west of the source of the Kansas, if it should be necessary even to supply it some distance by land.	Defensive war with the Great and Little Osages, Paniapique, Kansas, Pania Proper, Pania Republican, Pania Loups, Ricaras, and Sioux.	At peace with all who do not wage war against them.
La Plays - - -			

S. Aliatans, *Snake Indians.* These are a very numerous and well disposed people, inhabiting a woody and mountainous country; they are divided into three large tribes, who wander at a considerable distance from each other; and are called by themselves So-so-na, So-so'bu-bar, and I-a-kar; these are again subdivided into smaller though independent bands, the names of which I have not yet learnt; they raise a number of horses and mules which they trade with the Crow Indians, or are stolen by the nations on the east of them. They maintain a partial trade with the Spaniards, from whom they obtain many articles of clothing and ironmongery, but no warlike implements.

Of the West. These people also inhabit a mountainous country, and sometimes venture in the plains east of the Rocky mountains, about the head of the Arkansas river. They have more intercourse with the Spaniards of New Mexico, than the Snake Indians. They are said to be very numerous and warlike, but are badly armed. The Spaniards fear these people, and, therefore, take the precaution not to furnish them with any warlike implements. In their present unarmed state, they frequently commit hostilities on the Spaniards. They raise a great many horses.

La Playes. These principally inhabit the rich plains from the head of the Arkansas, embracing the heads of Red river, and extending with the mountains and high lands eastwardly as far as it is known towards the Gulf of Mexico. They possess no fire arms, but are warlike and brave. They are, as well as the other Aliatans, a wandering people. Their country abounds in wild horses, besides great numbers which they raise themselves. These people, and the West Aliatans, might be induced to trade with us on the upper part of the Arkansas river. I do not believe that any of the Aliatans claim a country within any particular limits.

A. Pania Piqûe.
B.
C. La Paunee Piqûe.
D. Pania Proper.
E. F. G. H. I. J. K. L. M. N. O. P. Q. R.

S. These people have no intercourse with the inhabitants of the Illinois; the information, therefore, which I have been enabled to obtain, with respect to them, is very imperfect. They were formerly known by the name of the White Panias, and are of the same family with the Panias of the river Platte. They are said to be a well disposed people, and inhabit a fertile country; certain it is that they enjoy a delightful climate.

A. Paducas.
B.
C. La Paddo.
L. *
E. F. G. H. I. J. K. L. M. N. O. P. Q. R.

S. This once powerful nation has, apparently, entirely disappeared; every inquiry I have made after them has proved ineffectual. In the year 1724, they resided in several villages on the heads of the Kansas river, and could, at that time, bring upwards of two thousand men into the field (see Monsr. Duprat's History of Louisiana, page 71, and the map attached to that work.) The information that I have received is, that being oppressed by the nations residing on the Missouri, they removed to the upper part of the river Platte, where they afterwards had but little intercourse with the whites. They seem to have given name to the northern branch of that river, which is still called the Paducas fork. The most probable conjecture is, that being still further reduced, they have divided into small wandering bands, which assumed the names of the subdivisions of the Paducas nation, and are known to us at present under the appellation of Wetepahatoes, Kiawas, Kanenavish, Katteka, Dotame, &c., who still inhabit the country to which the Paducas are said to have removed. The majority of my information led me to believe that those people spoke different languages, but other and subsequent information has induced me to doubt the fact.

Historical sketches of the several Indian Tribes in Louisiana, south of the Arkansas river, and between the Mississippi and river Grand.

Caddoques, live about thirty-five miles west of the main branch of Red river, on a bayou or creek, called by them Sodo, which is navigable for perogues only within about six miles of their village, and that only in the rainy season. They are distant from Natchitoches about one hundred and twenty miles, the nearest route by land, and in nearly a northwest direction. They have lived where they now do only five years. The first year they moved there the small-pox got amongst them and destroyed nearly one half of them; it was in the winter season, and they practised plunging into the creek on the first appearance of the eruption, and died in a few hours. Two years ago they had the measles, of which several more of them died. They formerly lived on the south bank of the river, by the course of the river three hundred and seventy-five miles higher up, at a beautiful prairie, which has a clear lake of good water in the middle of it, surrounded by a pleasant and fertile country, which had been the residence of their ancestors from time immemorial.

They have a traditionary tale which not only the Caddos, but half a dozen other smaller nations believe in, who claim the honor of being descendants of the same family: they say, when all the world was drowned by a flood that inundated the whole country, the Great Spirit placed on an eminence, near this lake, one family of Caddoques, who alone were saved; from that family all the Indians originated.

The French, for many years before Louisiana was transferred to Spain, had, at this place, a fort and some soldiers; several French families were likewise settled in the vicinity, where they had erected a good flour mill, with burr stones brought from France. These French families continued there till about twenty-five years ago, when they moved down and settled at Campti, on the Red river, about twenty miles above Natchitoches, where they now live; and the Indians left it about fourteen years ago, on account of a dreadful sickness that visited them. They settled on a river nearly opposite where they now live, on a low place, but were driven thence on account of its overflowing, occasioned by a jam of timber choking the river at a point below them.

The whole number of what they call warriors of the ancient Caddo nation, is now reduced to about one hundred, who are looked upon somewhat like Knights of Malta, or some distinguished military order. They are brave, despise danger or death, and boast that they have never shed white man's blood. Besides these, there are of old men and strangers who live amongst them, nearly the same number, but there are forty or fifty more women than men. This nation has great influence over the Yattassees, Nandakoes, Nabadaches, Inies or Yachies, Nagogdoches, Keychies, Adaize and Natchitoches, who all speak the Caddo language, look up to them as their fathers, visit and intermarry among them, and join them in all their wars.

The Caddoques complain of the Choctaws encroaching upon their country; call them lazy, thievish, &c. There has been a misunderstanding between them for several years, and small hunting parties kill one another when they meet.

The Caddos raise corn, beans, pumpkins, &c., but the land on which they now live is prairie, of a white clay soil, very flat: their crops are subject to injury either by too wet or too dry a season. They have horses, but few of any other domestic animal, except dogs: most of them have guns and some have rifles: they and all other Indians that we have any knowledge of, are at war with the Osages.

The country, generally, round the Caddos is hilly, not very rich; growth a mixture of oak, hickory and pine, interspersed with prairies, which are very rich generally, and fit for cultivation. There are creeks and springs of good water frequent.

Yattassees, live on Bayou Pierre, (or Stony creek) which falls into the Red river, western division, about fifty miles above Natchitoches. Their village is in a large prairie about half way between the Cadoques and Natchitoches, surrounded by a settlement of French families. The Spanish Government at present exercise jurisdiction over this settlement, where they keep a guard of a non-commissioned officer and eight soldiers.

A few months ago, the Caddo chief with a few of his young men were coming to this place to trade, and came that way which is the usual road. The Spanish officer of the guard threatened to stop them from trading with the Americans, and told the chief if he returned that way with the goods he should take them from him: The chief and his party were very angry, and threatened to kill the whole guard, and told them that that road had been always theirs, and that if the Spaniards attempted to prevent their using it as their ancestors had always done, he would soon make it a bloody road. He came here, purchased the goods he wanted, and might have returned another way and avoided the Spanish guard, and was advised to do so; but he said he would pass by them, and let them attempt to stop him if they dared. The guard said nothing to him as he returned.

This settlement, till some few years ago, used to belong to the district of Natchitoches, and the rights to their lands given by the government of Louisiana, before it was ceded to Spain. Its now being under the government of Texas, was only an agreement between the commandant of Natchitoches, and the commandant of Nacogdoches. The French formerly had a station and factory there, and another on the Sabine river, nearly one hundred miles northwest of the Bayou Pierre settlement. The Yattassees now say the French used to be their people, and now the Americans.

But of the ancient Yattassees there are but eight men remaining, and twenty-five women, besides children; but a number of men of other nations have intermarried with them and live together. I paid a visit at their village last summer. There were about forty men of them altogether. Their original language differs from any other, but now all speak Caddo. They live on rich land, raise plenty of corn, beans, pumpkins, tobacco, &c.; have horses, cattle, hogs, and poultry.

Nandakoes, live on the Sabine river, sixty or seventy miles to the westward of the Yattassees, near where the French formerly had a station and factory. Their language is Caddo—about forty men only of them remaining. A few years ago they suffered much by the small-pox. They consider themselves the same as Caddos, with whom they intermarry, and are occasionally visiting one another in the greatest harmony—have the same manners, customs, and attachments.

Adaize, live about forty miles from Natchitoches, below the Yattassees, on a lake called Lac Macdon, which communicates with the division of Red river that passes by Bayou Pierre. They live at, or near where their ancestors have lived from time immemorial. They being the nearest nation to the old Spanish fort, or mission of Adaize, that place was named after them, being about twenty miles from them to the south. There are now but twenty men of them remaining, but more women. Their language differs from all others, and is so difficult to speak or understand, that no nation can speak ten words of it; but they all speak Caddo, and most of them French, to whom they were always attached, and joined them against the Natchez Indians. After the massacre of Natchez, in 1798, while the Spaniards occupied the post of Adaize, their priests took much pains to proselyte these Indians to the Roman Catholic religion, but, I am informed, were totally unsuccessful.

Aliche, (commonly called *Eyeish*,) live near Nacogdoches, but are almost extinct as a nation, not more than twenty-five souls of them remaining. Four years ago the small-pox destroyed the greater part of them. They were, some years ago, a considerable nation, and lived on a bayou which bears their name, which the road from Natchitoches to Nacogdoches, crosses, about twelve miles west of Sabine river, on which a few French and American families are settled. Their native language is spoken by no other nation, but they speak and understand Caddo, with whom they are in amity, often visiting one another.

Keyes, or **Keychies**, live on the east bank of Trinity river, a small distance above where the road from Natchitoches to St. Antoine crosses it. There are of them sixty men—have their peculiar native language, but mostly now speak Caddo, intermarry with them, and live together in much harmony, formerly having lived near them, on the head-waters of the Sabine. They plant corn, and some other vegetables.

Inies, or **Tachies**, (called indifferently by both names.) From the latter name, the name of the province of Tachus, or Taxus is derived. The Inies live about twenty miles from Natchitoches, on a small river, a branch of Sabine, called the Naches. They are, like all their neighbors, diminishing; but have now eighty men. Their ancestors, for a long time, lived where they now do. Their language the same as that of the Caddos, with whom they are in great amity These Indians have a good character, live on excellent land, and raise corn to sell.

Nabedaches, live on the west side of the same river, about fifteen miles above them; have about the same number of men; speak the same language; live on the best of land; raise corn in plenty; have the same manners, customs, and attachments.

Bedides, are on the Trinity river, about sixty miles to the south of Nacogdoches; have one hundred men; are good hunters for deer, which are very large and plenty about them; plant, and make good crops of corn; language differs from all other, but speak Caddo; are a peaceable, quiet people, and have an excellent character for honesty and punctuality.

Accokesaws.—Their ancient town and principal place of residence, is on the west side of Colorado, or Rio Rouge, about two hundred miles southwest of Nacogdoches, but often change their place of residence for a season. Being near the bay, make great use of fish, oysters, &c.; kill a great many deer, which are the largest and fattest in the province; and their country is universally said to be inferior to no part of the province in soil, growth of timber, goodness of water, and beauty of surface; have a language peculiar to themselves, but have a mode of communication by dumb signs, which they all understand; number about eighty men. Thirty or forty years ago the Spaniards had a mission here, but broke it up, or moved it to Nacogdoches. They talk of resettling it, and speak in the highest terms of the country.

Mayes, live on a large creek called St. Gabriel, on the bay of St. Bernard, near the mouth of Guadaloupe river; are estimated at two hundred men; never at peace with the Spaniards, towards whom they are said to possess a fixed hatred, but profess great friendship for the French, to whom they have been strongly attached since Mons. de Salle landed in their neighborhood. The place where there is a talk of the Spaniards opening a new port and making a settlement, is near them; where the party, with the Governor of San Antoine, who were there last fall to examine it, say they found the remains of a French block-house. Some of the cannon now at Labahie, are said to have been brought from that place, and known by the engravings now to be seen on them.

The French speak highly of these Indians for their extreme kindness and hospitality to all Frenchmen who have been amongst them—have a language of their own, but speak Attakapa, which is the language of their neighbors, the Carankouas; they have, likewise, a way of conversing by signs.

Carankouas, live on an island or peninsula, in the bay of St. Bernard, in length about ten miles, and five in breadth; the soil is extremely rich and pleasant; on one side of which there is a high bluff, or mountain of coal, which has been on fire for many years, affording always a light at night, and a strong, thick smoke by day, by which vessels are sometimes deceived, and lost on the shoaly coast, which shoals are said to extend nearly out of sight of land. From this burning coal there is emitted a gummy substance the Spaniards call *cheta*, which is thrown on the shore by the surf, and collected by them in considerable quantities, which they are fond of chewing; it has the appearance and consistence of pitch, of a strong aromatic, and not disagreeable smell. These Indians are irreconcilable enemies to the Spaniards, always at war with them, and kill them whenever they can. The Spaniards call them cannibals, but the French give them a different character, who have always been treated kindly by them since Monsieur de Salle and his party were in their neighborhood. They are said to be five hundred men strong, but I have not been able to estimate their numbers from any very accurate information; in a short time expect to be well informed. They speak the Attakapa language, are friendly and kind to all other Indians, and, I presume, are much like all others, notwithstanding what the Spaniards say of them, for nature is everywhere the same.

Last summer an old Spaniard came to me from Labahie, a journey of about five hundred miles, to have a barbed arrow taken out of his shoulder, that one of these Indians had shot in it. I found it under his shoulder blade, near nine inches, and had to cut a new place to get at the point of it, in order to get it out the contrary way from that in which it had entered. It was made of a piece of an iron hoop, with wings like a fluke, and an inche.

Cances, are a very numerous nation, consisting of a great many different tribes, occupying different parts of the country, from the bay of St. Bernard, across river Grand, towards La Vera Cruz. They are not friendly to the Spaniards, and generally kill them when they have an opportunity. They are attached to the French; are good hunters, principally using the bow. They are very particular in their dress, which is made of neatly dressed leather; the women wear a long, loose robe, resembling that of a Franciscan friar; nothing but their heads and feet are to be seen. The dress of the men is straight leather leggings, resembling pantaloons, and a leather hunting-shirt, or frock. No estimate can be made of their number.

Thirty or forty years ago the Spaniards used to make slaves of them when they could take them. A considerable number of them were brought to Natchitoches and sold to the French inhabitants at forty or fifty dollars a head, and a number of them are still living here, but are now free. About twenty years ago, an order came from the King of Spain that no more Indians should be made slaves and those that were slaves should be emancipated; after which, some of the women who had been servants in good families, and taught spinning. sewing, &c., as well as managing household affairs, married maitiffs of the country, and became respectable well-behaved women, and have now growing up, decent families of children—have a language peculiar to themselves, and are understood by signs, by all others. They are in amity with all other Indians except the Hietans.

TANKAWAYS, (or TANKS, as the French call them,) have no land, nor claim the exclusive right to any, nor have any particular place of abode, but are always moving, alternately occupying the country watered by the Trinity, Brazos and Colorado, towards Santa Fe. Resemble, in their dress, the Cances and Hietans, but all in one horde, or tribe. Their number of men is estimated at about two hundred; are good hunters; kill buffalo and deer with the bow; have the best breed of horses; are alternately friends and enemies of the Spaniards. An old trader lately informed me that he had received five thousand deer-skins from them in one year, exclusive of tallow, rugs, and tongues. They plant nothing, but live upon wild fruits and flesh—are strong, athletic people, and excellent horsemen.

TAWAKENOES, or THREE CANES.—They are called by both names indifferently; live on the west side of the Brazos, but are often, for some months at a time, lower down than their usual place of residence, in the great prairie at the Tortuga or Turtle, called so from its being a hill in the prairie, which, at a distance, appears in the form of a turtle, upon which there are some remarkable springs of water. Their usuual residence is about two hundred miles to the westward of Nacogdoches towards Santa Fe. They are estimated at two hundred men; are good hunters; have guns, but hunt principally with the bow; are supplied with goods from Nacogdoches, and pay for them in rugs, tongues, tallow, and skins. They speak the same language of the Panis, or Towiaches, and pretend to have descended from the same ancestors.

PANIS, or TOWIACHES.—The French call them Panis, and the Spaniards Towiaches; the latter is the proper Indian name. They live on the south bank of Red river; by the course of the river upwards of 800 miles above Natchitoches, and by land, by the nearest path, is estimated at about 340. They have two towns near together; the lower town, where the chief lives, is called Nitehata, and the other is called Towaahach. They call their present chief the Great Bear. They are at war with the Spaniards, but friendly to those French and American hunters who have lately been among them. They are likewise at war with the Osages, as are every other nation. For many hundreds of miles round them, the country is rich prairie, covered with luxuriant grass, which is green summer and winter, with skirts of wood on the river bank, by the springs and creeks.

They have many horses and mules. They raise more corn, pumpkins, beans and tobacco, then they want for their own consumption; the surplusage they exchange with the Hietans for buffalo rugs horses and mules: the pumpkins they cut round in their shreads, and when it is in a state of dryness that it is so tough it will not break, but bend, they plait and work it into large mats, in which state they sell it to the Hietans, who as they travel, cut off and eat it as they want it. Their tobacco they manufacture and cut as fine as tea, which is put into leather bags of a certain size, and is likewise an article of trade. They have but few guns, and very little ammunition; what they have they keep for war, and hunt with the bow. Their meat is principally buffalo; seldom kill a deer, though they are so plenty they come into their villages, and about their houses, like a domestic animal: elk, bear, wolves, antelope and wild hogs are likewise plenty in their country, and white rabbits, or hares, as well as the common rabit: white bears sometimes come down amongst them, and wolves of all colors. The men generally go entirely naked, and the women nearly so, only wearing a small flap of a piece of a skin. They have a number of Spaniards amongst them, of fair complexion, taken from the settlement of Santa Fe, when they were children, who live as they do, and have no knowledge of where they came from. Their language differs from that of any other nation, the Tawokenoes excepted. Their present number of men is estimated at about 400. A great number of them, four years ago, were swept off by the small pox.

HIETANS, or COMANCHES, who are likewise called by both names, have a fixed place of residence; have neither towns nor villages; divided into so many different hordes or tribes, that they have scarcely any knowledge of one another. No estimate of their number can well be made. They never remain in the same place more than a few days, but follow the buffalo, the flesh of which is their principal food. Some of them occasionally purchase of the Panis, corn, beans and pumpkins; but they are so numerous, any quantity of these articles the Panis are able to supply them with, must make but a small proportion of their food. They have tents made of neatly dressed skins, fashioned in form of a cone, sufficiently roomy for a family of ten or twelve persons; those of the chiefs will contain occasionally fifty or sixty persons. When they stop, their tents are pitched in very exact order, so as to form regular streets and squares, which in a few minutes has the appearance of a town, raised, as it were, by enchantment; and they are equally dexterous in striking their tents and preparing for a march when the signal is given; to every tent two horses or mules are allotted, one to carry the tent, and another the poles or sticks, which are neatly made of red cedar; they all travel on horseback. Their horses they never turn loose to graze, but always keep them tied with a long cabras or halter; and every two or three days they are obliged to move on account of all the grass near them being eaten up, they have such numbers of horses. They are good horsemen and have good horses, most of which are bred by themselves, and being accustomed from when very young to be handled, they are remarkably docile and gentle. They sometimes catch wild horses, which are everywhere amongst them in immense droves. They hunt down the buffalo on horseback, and kill them either with the bow or a sharp stick like a spear, which they carry in their hands. They are generally at war with the Spaniards, often committing depredations upon the inhabitants of Santa Fe and St. Antoine; but have always been friendly and civil to any French or Americans who have been amongst them. They are strong and athletic, and the elderly men as fat as though they had lived upon English beef and porter.

It is said that the man who kills a buffalo, catches the blood and drinks it while warm; they likewise eat the liver raw, before it is cold, and use the gall by way of sauce. They are, for savages, uncommonly cleanly in their person: the dress of the women is a long loose robe, that reaches from their chin to the ground, tied round with a fancy sash, or girdle, all made of neatly dressed leather, on which they paint figures of different colors and significations: the dress of the men is, close leather pantaloons, and a hunting shirt, or frock of the same. They never remain long enough in the same place to plant anything: the small cayenne pepper grows spontaneously in the country, with which, and some wild herbs and fruits, particularly a bean that grows in great plenty on a small tree resembling a willow, called masketo; the women cook their buffalo beef in a manner that would be grateful to an English squire. They alternately occupy the immense space of country from the Trinity and Brazos, crossing the Red river, to the heads of Arkansa and Missouri, to river Grand, and beyond it, about Santa Fe, and over the dividing ridge on the waters of the Western Ocean, where they say they have seen large perogues, with masts to them; in describing which, they make a drawing of a ship, with all its sails and rigging; and they describe a place where they have seen vessels ascending a river, over which was a draw-bridge that opened to give them a passage. Their native language of sounds differs from the language of any other nation, and none can either speak or understand it; but they have a language by signs that all Indians understand, and by which they converse much among themselves. They have a number of Spanish men and women among them, who are slaves, and who they made prisoners when young.

An elderly gentleman now living at Natchitoches who, some years ago, carried on a trade with the Hietans, a few days ago related to me the following story:

About twenty years ago a party of these Indians passed over the river Grand to Chewawa, the residence of the Governor General of what is called the five internal provinces; lay in ambush for an opportunity, and made prisoner the Governor's daughter, a young lady, going in her coach to mass, and brought her off. The Governor sent a message to him (my informant) with a thousand dollars, for the purpose of recovering his daughter: he immediately despatched a confidential trader, then in his employ, with the amount of the one thousand dollars in merchandise, who repaired to the nation, found her, and purchased her ransom; but, to his great surprise, she refused to return with him to her father, and sent by him the following message: that the Indians had disfigured her face by tattooing it according to their fancy and ideas of beauty, and a young man of them had taken her for his wife, by whom she believed herself pregnant; that she had become reconciled to their mode of life, and was well treated by her husband; and that she should be more unhappy by returning to her father, under these circumstances, than by remaining where she was. Which message was conveyed to her father, who rewarded the trader by a present of three thousand dollars more for his trouble and fidelity; and his daughter is now living with her Indian husband in the nation, by whom she has three children.

Natchitoches, formerly lived where the town of Natchitoches is now situated, which took its name from them. An elderly French gentleman lately informed me, he remembered when they were six hundred men strong. I believe it is now ninety-eight years since the French first established themselves at Natchitoch; ever since, these Indians have been their steady and faithful friends. After the massacre of the French inhabitants of Natchez, by the Natchez Indians, in 1728, those Indians fled from the French, after being reinforced, and came up Red river, and camped about six miles below the town of Natichitoches, near the river, by the side of a small lake of clear water, and erected a mound of considerable size, where it now remains. Monsieur St. Dennie, a French Canadian, was then commandant at Natchitoches; the Indians called him the Big Foot, were fond of him, for he was a brave man. St. Dennie, with a few French soldiers, and what militia he could muster, joined by the Natchitoches Indians attacked the Natchez in their camp, early in the morning; they defended themselves desperately for six hours, but were at length totally defeated by St. Dennie, and what of them that were not killed in battle, were drove into the lake, where the last of them perished, and the Natchez, as a nation, became extinct. The lake is now called by no other name than the Natchez lake. There is now remaining of the Natchitoches, but twelve men and nineteen women, who live in a village about twenty-five miles by land above the town which bears their name, near the lake, called by the French *Lac de Muire*. Their original language is the same as the Yattassee, but speak Caddo, and most of them French.

The French inhabitants have great respect for this nation, and a number of very decent families have a mixture of their blood in them. They claim but a small tract of land, on which they live, and I am informed, have the same rights to it from Government, that other inhabitants in their neighborhood have. They are gradually wasting away; the small-pox has been their great destroyer. They still preserve their Indian dress and habits; raise corn and those vegetables common in their neighborhood.

Boluxas, are emigrants from near Pensacola. They came to Red river about forty-two years ago, with some French families, who left that country about the time Pensacola was taken possession of by the English. They were then a considerable numerous tribe, and have generally embraced the Roman Catholic religion, and were ever highly esteemed by the French. They settled first at Avoyall, then moved higher up to Rapide Bayau, and from thence to the mouth of Rigula de Bondieu, a division of Red river, about forty miles below Natchitoch, where they now live, and are reduced to about thirty in number. Their native language is peculiar to themselves, but speak Mobilian, which is spoken by all the Indians from the east side of Mississippi. They are honest, harmless and friendly people.

Appalaches, are likewise emigrants from West Florida, from off the river whose name they bear; came over to Red river about the same time the Boluxas did, and have, ever since, lived on the river, above Bayau Rapide. No nation have been more highly esteemed by the French inhabitants; no complaints against them are ever heard; there are only fourteen men remaining; have their own language, but speak French and Mobilian.

Allibamis, are likewise from West Florida, off Allibami river, and came to Red river about the same time of the Boluxas and Appalaches. Part of them have lived on Red river, about sixteen miles above the Bayau Rapide, till last year, when most of this party, of about thirty men, went up Red river, and have settled themselves near the Caddoques, where, I am informed, they last year made a good crop of corn. The Caddos are friendly to them, and have no objection to their settling there. They speak the Creek and Chactaw languages, and Mobilian; most of them French, and some of them English.

There is another party of them, whose village is on a small creek, in Appelousa district, about thirty miles northwest from the church of Appelousa. They consist of about forty men. They have lived at the same place ever since they came from Florida; are said to be increasing a little in numbers, for a few years past. They raise corn, have horses, hogs, and cattle, and are harmless, quiet people.

Conchattas, are almost the same people as the Allibamis, but came over only ten years ago; first lived on Bayau Chico, in Appelousa district, but, four years ago, moved to the river Sabine, settled themselves on the east bank, where they now live, in nearly a south direction from Natchitoch, and distant about eighty miles. They call their number of men one hundred and sixty, but say, if they were altogether, they would amount to two hundred. Several families of them live in detached settlements. They are good hunters, and game is plenty about where they are. A few days ago, a small party of them were here, consisting of fifteen persons, men, women, and children, who were on their return from a bear hunt up Sabine. They told me they had killed one hundred and eighteen; but this year an uncommon number of bears have come down. One man alone, on Sabine, during the Summer and Fall, hunting, killed four hundred deer, sold his skins at forty dollars a hundred. The bears, this year, are not so fat as common; they usually yield from eight to twelve gallons of oil, each of which never sells for less than a dollar a gallon, and the skin a dollar more; no great quantity of the meat is saved; what the hunters don't use when out, they generally give to their dogs. The Conchattas are friendly with all other Indians, and speak well of their neighbors the Carankouas, who, they say, live about eighty miles south of them, on the bay, which I believe, is the nearest point to the sea from Natchitoches. A few families of Chactaws have lately settled near them from Bayau Beauf. The Conchattas speak Creek, which is their native language, and Chactaw, and several of them English, and one or two of them can read it a little.

Pacanas, are a small tribe of about thirty men, who live on the Quelqueshoe river, which falls into the bay between Attakapa and Sabine, which heads in a prairie, called Cooko prairie, about forty miles southwest of Natchitoches. These people are likewise emigrants from West Florida, about forty years ago. Their village is about fifty miles southeast of the Conchattas; are said to be increasing a little in number; quiet, peaceable, and friendly people. Their own language differs from any other, but speak Mobilian.

Attakapas. This word, I am informed, when translated into English, means man-eater, but is no more applicable to them than any other Indians. The district they live in is called after them. Their village is about twenty miles to the westward of the Attakapa church, toward Quelqueshoe. Their number of men is about fifty, but some Tunicas and Humas, who have married in their nation and live with them, makes them altogether about eighty. They are peaceable and friendly to everybody; labor, occasionally, for the white inhabitants; raise their own corn; have cattle and hogs. Their language and the Carankouas is the same. They were, or near, where they now live, when that part of the country was first discovered by the French.

Appalousas, It is said the word Appalousa, in the Indian language, means black head, or black skull. They are aborigines of the district called by their name. Their village is about fifteen miles from the Appelousa church; have about forty men. Their native language differs from all other; understand Attakapa and speak French; plant corn; have cattle and hogs.

Tunicas. These people lived formerly on the Bayou Tunica, above Point Coupee, on the Mississippi, east side; live now at Avoyall; do not at present exceed twenty-five men. Their native language is peculiar to themselves, but speak Mobilian; are employed, occasionally, by the inhabitants as boatmen, &c.; in amity with all other people, and gradually diminishing in uumbers.

Pascagolas, live in a small village on Red river, about sixty miles below Natchitoches; are emigrants from Pascagola river, in West Florida; twenty-five men of them only remaining; speak

Mobilian, but have a language peculiar to themselves; most of them speak and understand French. They raise good crops of corn, and garden vegetables; have cattle, horses, and poultry, plenty. Their horses are much like the poorer kind of French inhabitants on the river, and appear to live about as well.

Tenisaws, are likewise emigrants from the Tenesau river, that falls into the bay of Mobile; have been on Red river about forty years; are reduced to about twenty-five men. Their village is within one mile of the Pascagolas, on the opposite side, but have lately sold their land, and have, or are about moving, to Bayau Beauf, about twenty-five miles south from where they lately lived: all speak French and Mobilian, and live much like their neighbors the Pascagolas.

Chactoos, live on Bayau Beauf, about ten miles to the southward of Bayau Rapide, on Red river, toward Appalousa: a small, honest people; are aborigines of the country where they live; of men about thirty; diminishing: have their own peculiar tongue; speak Mobilian. The lands they claim on Bayau Beauf are inferior to no part of Louisiana in depth and richness of soil, growth of timber, pleasantness of surface, and goodness of water. The Bayau Beauf falls into the Chaffeli, and discharges, through Appelousa and Attakapa, into Vermilion Bay.

Washas. When the French first came into the Mississippi, this nation lived on an island to the southwest of New Orleans, called Barritaria, and were the first tribe of Indians they became acquainted with, and were always friends. They afterward lived on Bayau La Fosh; and, from being a considerable nation, are now reduced to five persons only, two men and three women, who are scattered in French families; have been many years extinct, as a nation, and their native language is lost.

Chactaws. There are a considerable number of this nation on the west side of the Mississippi, who have not been home for several years. About twelve miles above the post on Oacheta, on that river, there is a small village of them of about thirty men, who have lived there for several years, and made corn; and likewise on Bayau Chico, in the northern part of the district of Appalousa, there is another village of them of about fifty men, who have been there for about nine years, and say they have the Governor of Louisiana's permission to settle there. Besides these, there are rambling hunting parties of them to be met with all over Lower Louisiana. They are at war with the Caddoques, and liked by neither red nor white people.

Arkensas, live on the Arkensa river, south side, in three villages, about twelve miles above the post, or station. The name of the first village is Tawanima, the second Oufotu, and the third Ocapa; in all, it is believed, they do not at present exceed one hundred men, and diminishing. They are at war with the Osages, but friendly with all other people, white and red; are the original proprietors of the country on the river, to all which they claim, for about three hundred miles above them, to the junction of the river Cadwa with Arkensa; above this fork the Osages claim. Their language is Osage. They generally raise corn to sell; are called honest and friendly people.

The forementioned are all the Indian tribes that I have any knowledge of, or can obtain an account of, in Louisiana, south of the river Arkensa, between the Mississippi and river Grand. At Avoyall there did live a considerable tribe of that name, but, as far as I can learn, have been extinct for many years, two or three women excepted, who did lately live among the French inhabitants on Washita.

There are a few of the Humas still living on the east side of the Mississippi, in Ixsusees parish, below Manchack, but scarcely exist as a nation.

That there are errors in these sketches is not to be doubted, but, in all cases out of my own personal knowledge, I have endeavored to procure the best information, which I have faithfully related; and I am confident any errors that do exist are too unimportant to affect the object for which they are intended. I am, sir, &c.

JOHN SIBLEY.

General H. Dearborn.

To General Henry Dearborn, Secretary of War.

Sir: You request me to give you some account of Red river, and the country adjacent: I will endeavor to comply with your request, to the best of my knowledge and capacity. My personal knowledge of it is only from its mouth to about seventy or eighty miles above Natchitoches, being, by the course of the river, near four hundred miles. After that, what I can say of it is derived from information from others, on whose veracity I have great reliance—principally from Mr. Francis Grappe, who is my assistant and interpreter of Indian languages, whose father was a French officer, and Superintendent of Indian Affairs, at a post or station occupied by France, where they kept some soldiers, and had a factory, previous to the cession of Louisiana to Spain, situate nearly five hundred miles, by the course of the river, above Natchitoches, where he, my informant, was born, and lived upward of thirty years; his time, during which, being occupied alternately as an assistant to his father, an Indian trader and hunter, with the advantage of some learning, and a very retentive memory, acquired an accurate knowledge of the river, as well as the languages of all the different tribes in Louisiana, which, with his having been Indian interpreter for the Spanish Government for many years past, and (I believe) deservedly esteemed by the Indians, and all others, a man of strict integrity—has, for many years, and does now, possess their entire confidence, and a very extensive influence over them; and I have invariably found that, whatever information I have received from him, has been confirmed by every other intelligent person, having a knowledge of the same, with whom I have conversed.

Note.—Contrary to geographical rules, as I ascended the river, I called the right bank the northern one, and the left the southern.

The confluence of Red river with the Mississippi is, by the course of the latter, estimated about two hundred and twenty miles from New Orleans. Descending the Mississippi, after passing the Spanish line at the thirty-first degree of north latitude, it makes a remarkable turn to the westward, or nearly northwest, for some distance before you arrive at the mouth of Red river, as though, notwithstanding the immense quantity of its waters already, from its almost numberless tributary streams, it was still desirous of a further augmentation, by hastening its union with Red river, (which, perhaps, is second only in dignity to it,) that they might from thence flow on and join the ocean together, which, for many leagues, is forced to give place to its mighty current. But there are reasons for believing the Red river did not always unite with the Mississippi, as it does at present; and that no very great length of time has elapsed since the Mississippi left its ancient bed, some miles to the eastward, and took its course westwardly for the purpose of intermarrying with Red river. The mouth of the Chaffeli, which is now, properly speaking, one of the outlets of the river Mississippi to the ocean, is just below, in sight of the junction of Red river with the Mississippi; and, from its resemblance to Red river in size, growth on its banks, appearance, and texture of soil, and differing from that of the Mississippi, induces strongly the belief that the Chaffeli was once but the continuation of Red river to the ocean, and that it had, in its bed, no connexion with the Mississippi. There is no doubt but the Mississippi has alternately occupied different places in the low grounds through which it meanders, almost from the high lands of one side to those of the other, for the average space of near thirty miles. These two great rivers happening to flow, for a distance, through the same mass of swamp, that annually is almost all inundated, it is not extraordinary that their channels should find their way together; the remarkable bend of the Mississippi, at this place, to the westward, seems to have been for the express purpose of forming this union; after which it returns to its former course.

In the month of March, 1803, I ascended Red river, from its mouth to Natchitoches, in an open boat, unless when I chose to land and walk across a point, or by the beauty of the river bank, the pleasantness of its groves, or the variety of its shrubs and flowers, I was invited ashore to gratify or please my curiosity. On entering the mouth of the river I found its waters turgid, of a red colour, and of a brackish taste; and as the Mississippi was then falling, and Red river rising, found a current, from its mouth upwards, varying considerably in places, but averaging about two miles an hour, for the first hundred miles, which, at that time, I found to be about the same in the Mississippi; but, when that river is high, and Red river low, there is very little current in the latter, for sixty or seventy miles: the river, for that distance, is very crooked, increasing the distance, by it, from a straight line, more than two thirds; the general course of it nearly west: that I was able to ascertain, from hearing the morning gun at Fort Adams, for three or four mornings after entering the river, which was not at the greatest height by about fourteen feet; and all the low grounds, for near seventy miles, entirely overflowed like those of the Mississippi, which, in fact, is but a continuation of the same. Some places appeared, by the high water mark on the trees, to overflow not more than two or three feet, particularly the right bank, below the mouth of Black river, and the left bank above it; the growth, on the lowest places, willow and cotton wood, but on the highest, handsome oaks, swamp hickory, ash, grape vines, &c.

I made my calculation of our rate of ascent and distances up the river, by my watch, noting carefully with my pencil the minute of our stops and settings off, the inlets and outlets, remarkable bends in the river, and whatever I observed any way remarkable. About six miles from the mouth of the river, left side, there is a bayau, as it is called, comes in that communicates with a lake called Lake Long, which, by another bayau, communicates again with the river, through which, when there is a swell in the river, boats can pass, and cut off about 30 miles, being only 14 or 15 through it, and about 45 by the course of the river; and through the lake there is very little or no current; but the passage is intricate and difficult to find; a stranger should not attempt it without a pilot; people have been lost in it for several days; but not difficult for one acquainted; we, having no pilot on board to be depended on, kept the river.

From the mouth of Red river to the mouth of Black river, I made it 31 miles: the water of Black river is clear, and when contrasted with the water of Red river has a black appearance. From the mouth of Black river, Red river makes a regular twining to the left, for about 18 miles, called the Grand Bend, forming a segment of nearly three fourths of a circle; when you arrive at the bayau that leads into Lake Long, which, perhaps, is in a right line, not exceeding 15 miles from the mouth of the river. From Bayau Lake Long, to Avoyall landing, called Baker's landing, I made 33 miles, and the river is remarkably crooked. At this place the guns at Fort Adams are distinctly heard, and the sound appears to be but little south of east. We came through a bayau called Silver Bayau, that cut off, we understand, six miles; it was through the bayau about four miles. Until we arrived at Baker's landing, saw no spot of ground that did not overflow; the high water mark generally from 3 to 15 feet above its banks. After passing Black river, the edge of the banks near the river are highest; the land falls, from the river back. At Baker's landing I went ashore; I understood, from Baker's landing, cross the point, to Le Glass' landing, was only three or four miles, and by water fifteen; but I found it six at least, and met with some difficulty in getting from where I landed to the high land at Baker's house, for water, though at low water it is a dry cart road, and less than a mile. I found Baker and his family very hospitable and kind; Mr. Baker told me he was a native of Virginia, and had lived there upwards of thirty years. He was living on a tolerable good high piece of land, not prairie, but joining it. After leaving Baker's house, was soon in sight of the prairie, which, I understand, is about forty miles in circumference, longer than it is wide, very level, only a few clumps of trees to be seen, all covered with good grass. The inhabitants are settled all around the out edge of it, by the woods, their houses facing inwards, and cultivate the prairie land. Though the soil, when turned up by the plow, has a good appearance, what I could discover by the old corn and cotton stalks, they made but indifferent crops; the timber land that I saw cleared and planted, produced the best; the prairie is better for grass than for planting. The inhabitants have considerable stocks of cattle, which appears to be their principal dependence, and I was informed their beef is of a superior quality: they have likewise good pork; hogs live very well; the timbered country all round the prairie is principally oak that produces good mast for hogs. Corn is generally scarce; they raise no wheat, for they have no mills. I was informed that the lower end of the prairie that I did not see was much the richest land, and the inhabitants lived better, and were more wealthy; they are a mixture of French, Irish, and Americans, generally poor and ignorant. Avoyall, at high water, is an island, elevated thirty or forty feet above high water mark; the quantity of timbered land exceeds that of the prairie, which is likewise pretty level, but scarcely a second quality of soil. Le Glass' landing, as it is called, I found about a mile and a half from the upper end of the prairie; the high lands bluff to the river. After leaving this place found the banks rise higher and higher on each side, and fit for settlements: on the right side pine woods sometimes in sight. I left the boat again about eight miles from Le Glass' landing, right side; walked two and a half miles across a point, to a Mr. Hoomes's; round the point is called sixteen miles. I found the lands through which I passed high, moderately hilly; the soil a good second quality, clay; timber, large oak, hickory, some short leaved pine; and several small streams of clear running water. This description of lands extended back five or six miles, and bounded by open pine woods, which continue, for thirty miles, to Ocatahola. I found Mr. Hoomes' house on a high bluff very near the river; his plantation the same description of land through which I had passed, producing good corn, cotton, and tobacco, and he told me he had tried it in wheat, which succeeded well, but having no mills to manufacture it, had only made the experiment. Mr. Hoomes told me all the lands round his, for many miles, were vacant. On the south side there is a large body of rich, low grounds, extending to the borders of Appalousa, watered and drained by Bayau Robert and Bayau Beauf, two handsome streams of clear water that rise in the high lands between Red river and Sabine, and after meandering through this immense mass of low grounds of thirty or forty miles square, fall into the Chaffeli, to the southward of Avoyall. I believe, in point of soil, growth of timber, goodness of water, and conveniency to navigation, there is not a more valuable body of land in this part of Louisiana. From Mr. Hoomes' to the mouth of Rapide Bayau is, by the river, thirty-five miles. A few scattering settlements on the right side, but none on the left; the right is preferred to settle on, on account of ther stocks being convenient to the high lands; but the settlers on the right side own the lands on the left side too; the lands on the Bayau Rapide are the same quality as those on Bayaus Roberts and Beauf, and, in fact, are a continuation of the same body of lands. Bayau Rapide is somewhat in the form of a half moon; the two points, or horns, meeting the river about twenty miles from each other: the length of the bayau is about thirty miles; on the back of it there is a large bayau falls in, on which there is a saw mill, very advantageously situated, in respect to a never failing supply of water; plenty of timber; and the plank can be taken from the mill tail by water. This bayau is excellent water; rises in the pine woods, and discharges itself each way into the river, by both ends of Bayau Rapide. Boats cannot pass though the bayau, from the river to the river again, on account of rafts of timber choking the upper end of it, but can enter the lower end and ascend it more than half through it. On the lower end of the bayau, on each side, is the principal Rapide settlement, as it is called; no country whatever can exhibit handsomer plantations, or better lands. The Rapide is a fall, or shoal, occasioned by a soft rock in the bed of the river, that extends from side to side, over which, for about five months in the year, viz: from July to December, there is not sufficient water for boats to pass without lightening, but at all other seasons it is the same as any other part of the river. This rock, or hard clay, for it resembles the latter almost as much as the former, is so soft it may be cut away with a penknife, or any sharp instrument, and scarcely turn the edge, and extends up and down the river but a few yards; and I have heard several intelligent persons give it as their opinion, that the extraordinary expense and trouble the inhabitants were at, in one year, in getting loaded boats over this shoal, would be more than sufficient to cut a passage through it; but it happens at a season of the year when the able planters are occupied at home, and would make no use of the river were there no obstructions in it; but at any rate, the navigation of the river is clear a longer proportion of the year than the rivers in the northern countries are clear of ice. But this obstruction is certainly removable, at a very trifling expense, in comparison to the importance of having it done; and nothing but the nature of the government we have lately emerged from, can be assigned as a reason for its not having been effected long ago.

After passing the Rapids there are very few settlements to be seen, on the main river, for about twenty miles, though both sides appeared to me to be capable of making as valuable settlements as any on the river; we arrive then at the Indian villages, on both sides, situated exceedingly pleasant, and on the best lands; after passing which you arrive at a large, beautiful plantation of Mr. Gillard; the house is on a point of a high pine woods bluff, close to the river, sixty or seventy feet above the common surface of the country, overlooking, on the east, or opposite side, very extensive fields of low grounds, in high cultivation, and a long reach of the river, up and down; and there is an excellent spring of water issues from the bluff, on which the house is situated, from an apperture in the rock that seems to have been cloven on purpose for it to flow, and a small distance back of the house, there is a lake of clear water, abounding with fish in summer and fowl in winter. I have seen in all my life, very few more beautiful or advantageously situated places.

Six miles above Gillard's you arrive at the small village of Boluxa Indians, where the river is divided into two channels, forming an island of about fifty miles in length and three or four in breadth. The right hand division is called the Rigula de Bondieu, on which are no settlements; but, I am informed, will admit of being well settled; the left hand division is the boat channel, at present, to Natchitoches: the other is likewise boatable. Ascending the left hand branch for about twenty-four miles, we pass a thick settlement and a number of wealthy inhabitants. This is called the *River Cane* settlement; called so, I believe, from the banks some years ago being a remarkable thick canebrake.

After passing this settlement of about forty families, the river divides again, forming another island of about thirty miles in length, and from two to four in breadth, called the *Isle Brevel*, after a reputable old man now living in it, who first settled it. This island is sub-divided by a bayau that communicates from one river to the other, called also Bayau Brevel. The middle division of the river, is called *Little River*, and it is thickly settled, and is the boat channel: the westward division of the river is called False river, is navigable, but not settled, the banks are too low; it passes through a lake called *Lac Occassa.* When you arrive at Natchitoches, you find it a small, irregular, and meanly built village, half a dozen houses excepted; on the west side of that division of the river it is on, the high pine and oak woods approach within two or three hundred yards of the river. In the village are about forty families, twelve or fifteen are merchants or traders, nearly all French. The fort built by our troops since their arrival, called Fort Claiborne, is situated on a small hill, one street from the river, and about thirty feet higher than the river banks. All the hill is occupied by the fort and barracks, and does not exceed two acres of ground. The southern and eastern prospects from it are very beautiful. One has an extensive view of the fields and habitations down the river, and the other a similar view over the river, and of the whole village. This town thirty or forty years ago, was much larger than at present, and situated on a hill about half a mile from its present site. Then most of the families of the district lived in the town, but finding it inconvenient on account of the stocks and farms, they filed off, one after another, and settled up and down the river. The merchants and trading people found being on the bank of the river more convenient for loading and unloading their boats, left the hill on that account; and others, finding the river ground much superior for gardens, to which they are in the habit of paying great attention, followed the merchants; after them the priests and commandant; then the church and jail (or calleboose,) and now nothing of the old town is left, but the form of their gardens and some ornamental trees. It is now a very extensive common of several hundred acres, entirely tufted with clover and covered with sheep and cattle. The hill is a stiff clay, and used to make miry streets; the river soil, though much richer, is of a loose, sandy texture; the streets are neither miry nor very dusty. Our wells do not afford us good water, and the river water, in summer, is too brackish to drink, and never clear. Our springs are about half a mile back from the river, but the inhabitants, many of them, have large cisterns, and use, principally, rain water which is preferred to the spring water. The planters along on the river generally use rain water; though when the river is high, and the water taken up and settled in large earthen jars, (which the Indian women make of good quality and at a moderate price,) it can be drank tolerably well, but it makes bad tea.

Near Natchitoches there are two large lakes, one within a mile, the other six miles to the nearest parts. One of them is fifty or sixty miles in circumference, the other upwards of thirty: these lakes rise and fall with the river. When the river is rising the bayaus that connect with the lakes, run into the lakes like a mill-tale, till the lakes are filled; and when the river is falling, it is the same the contrary way, just like the tide, but only annual. On these creeks good mills might be erected, but the present inhabitants know nothing of mills by water, yet have excellent cotton gins worked by horses. I do not know a single mechanic in the district, who is a native of it, one tailor excepted. Everything of the kind is done by strangers, and mostly Americans. Though Natchitoches has been settled almost one hundred years, it is not more than twelve or fifteen years since they ever had a plow, or a flat to cross the river with; both which were introduced by an Irish Pennsylvanian, under a similar opposition to the Copernican system. 'Tis almost incredible the quantity of fish and fowl these lakes supply. It is not uncommon in winter for a single man to kill from two to four hundred fowl in one evening; they fly between sundown and dark; the air is filled with them; they load and fire as fast as they can, without taking any particular aim, continuing at the same stand till they think they have killed enough, and then pick up what they have killed; they consist of several kinds of duck, geese, brant, and swan. In summer, the quantities of fish are nearly in proportion. One Indian will, with a bow and arrow, sometimes kill them faster than another, with two horses, can bring them in; they weigh, some of them, thirty or forty pounds. The lakes likewise afford plenty of shells for lime; and at low water, the greater of them is a most luxuriant meadow, where the inhabitants fatten their horses. All round these lakes, above high water mark, there is a border of rich land, generally wide enough for a field. On the bank of one of them there is plenty of stone coal, and several quarries of tolerable good building stone; at high water boats can go out of the river into them. Similar lakes are found all along Red river, for five or six hundred miles, which, besides the uses already mentioned, nature seems to have provided as reservoirs for the immense quantity of water beyond what the banks of the river will contain; otherwise no part of them could be inhabited: the low grounds, from hill to hill, would be inundated. About twelve miles north of Natchitoches, on the northeast side of the river, there is a large lake called Lac Noiz; the bayau of it communicates to the Rigula de Bondieu, opposite Natchitoch, which is boatable the greater part of the year. Near this lake are the salt works, from which all the salt that is used in the district is made; and which is made with so much ease, that two old men, both of them cripples, with ten or twelve old pots and kettles, have, for several years past, made an abundant supply of salt for the whole district: they inform me they make six bushels per day. I have not been at the place, but have a bottle of the water brought to me, which I found nearly saturated. The salt is good. I never had better bacon than I make with it. I am informed, there are twelve saline springs now open; and by digging for them, for aught any one knows, twelve hundred might be opened. A few months ago, Captain Burnet, of the Mississippi Territory, coming to this place by Washita, came by the salt works, and purchased the right of one of the old men he found there, and has lately sent up a boat, with some large kettles and some negroes, under the direction of his son; and expects, when they get all in order, to be able to make thirty or forty bushels a day. Captain Burnet is of opinion, that he shall be able to supply the Mississippi Territory, and the settlements on Mississippi, from Point Coupee, upwards, lower than they can get it in New Orleans and bring it up. Cathartic salts, and magnesia, might likewise be made in large quantities, if they understood it. The country all round the Sabine and Black lake is vacant, and from thence to Washita, a distance of about one hundred and twenty miles, which I am informed affords considerable quantities of well timbered good uplands, and well watered. There is a small stream we cross on the Washita road, the English call it Little river, the French *Dogdimona*, affording a wide rich bottom: this stream falls into the Acatahola lake; from thence to Washita, it is called Acatahola river; its course is eastwardly, and falls into Washita, near the mouth of Tensaw, where the road from Natchitoches to Natchez, crosses it: from the confluence of these three rivers, downwards, it is called Black river, which falls into Red river, sixty miles below. There is a good salt spring near the Acatahola lake.

Ascending Red river, above Natchitoches, in about three miles arrive at the upper mouth of the Rigula de Bondieu: there are settlements all along; plantations adjoining. From the upper mouth of the Rigula de Bondieu, the river is in one channel through the settlement called Grand Ecore, of about six miles; it is called Grand Ecore, (or in English the Great Bluff,) being such a one on the left hand side, near one hundred feet high. The face next the river, almost perpendicular, of a soft white rock; the top, a gravel loam, of considerable extent, on which grow large oaks, hickory, black cherry, and grape vines. At the bottom of one of these bluffs, for there are two near each other, is a large quantity of stone-coal; and near them several springs of the best water in this part of the country; and a lake of clear water within two hundred yards, bounded by a gravelly margin. I pretend to have no knowledge of military tactics, but think, from the river in this place being all in one channel, the goodness of the water, a high healthy country, and well timbered all round it, no height near it so high, its commanding the river, and a very public ferry just under it, that at a small expense, it would be capable of great defence with a small force. The road from it to the westward, better than from Natchitoch, and by land only about five miles above it, and near it plenty of good building stone. These advantages it possesses beyond any other place within my knowledge on the river, for a strong fort, and safe place of deposit. Just about this bluff, the river makes a large bend to the right, and a long reach nearly due east and west by it: the bluff overlooks, on the opposite side, several handsome plantations. I have been induced, from the advantages this place appeared to me to possess, to purchase it, with four or five small settlements adjoining, including both bluffs, the ferry, springs and lake, the stone quarries, and coal; and a field of about five hundred acres of the best low grounds, on the opposite side. After leaving Grand Ecore, about a mile, on the left side comes in a large bayau, from the Spanish lake, as it is called, boatable the greater part of the year. This lake is said to be about fifty miles in circumference, and rises and falls with the river, into which, from the river, the largest boats may ascend, and from it, up the mouths of several large bayaus that fall into it, for some distance, one in particular, called bayau Dupong, up which boats may ascend within one and a half mile of old Fort Adaize. Leaving this bayau about two miles arrive at a fork or division of the river; the left-hand branch bears westwardly for sixty or eighty miles; then eastwardly, meeting the branch it left, after forming an island of about one hundred miles long, and, in some places, nearly thirty miles wide. Six or seven years ago, boats used to pass this way into the main river again; its communication with which being above the great raft or obstruction; but it is now choked, and requires a portage of three miles; but at any season, boats can go from Natchitoches, about eighty miles, to the place called the Point, where the French had a factory, and a small station of soldiers to guard the Indian trade, and is now undoubtedly a very eligible situation for a similar establishment. The country bounded to the east and north, by this branch or division of the river, is called the Bayau Pierre settlement, which was begun, and some of the lands granted before Louisiana was ceded to Spain by France, and continued under the jurisdiction of the commandant of Natchitoches until about twenty years ago, when, by an agreement between a Mr. Vogone, then commandant of this place, and a Mr. Elibarbe, commandant at Natchitoches, the settlement called Bayau Pierre was placed under the jurisdiction of the latter, and has so continued ever since. The settlement, I believe, contains about forty families, and generally they have large stocks of cattle: they supply us with our cheese entirely, and of tolerable quality, and we get from them some excellent bacon hams. The country is interspersed with prairies, resembling, as to richness, the river bottoms, and, in size, from five to five thousand acres. The hills are a good gray soil, and produce very well, and afford beautiful situations. The creek called Bayau Pierre, (stony creek) passes through the settlement, and affords a number of good mill seats, and its bed and banks lined with a good kind of building stone, but no mills are erected on it. Some of the inhabitants have tried the uplands in wheat, which succeeded well. They are high, gently rolling, and rich enough; produce good corn, cotton, and tobacco. I was through the settlement in July last, and found good water, either from a spring or well, at every house. The inhabitants are all French, one family excepted. A few miles to westward, towards Sabine, there is a saline where the inhabitants go and make their salt. On the whole, for health, good water, good living, plenty of food for every kind of animal, general conveniency, and handsome surface, I have seen few parts of the world more inviting to settlers.

Returning back again to the fork of the main river, we left, for the purpose of exploring the Bayau Pierre branch, we find irregular settlements, including Campti, where a few families are settled together on a hill near the river, northeast side. For about twenty miles the river land is much the same everywhere, but the Campti settlement is more broken with bayaus and lagoons than any place I am acquainted with on the river, and for want of about a dozen bridges is inconvenient to get to, or travel through. The upper end of this settlement is the last on the main branch of Red river, which, straight by land, does not exceed twenty-five miles above Natchitoches. At the upper house the great raft or jam of timber begins; this raft chokes the main channel for upwards of one hundred miles, by the course of the river; not one entire jam from the beginning to end of it, but only at the points, with places of several leagues that are clear. The river is very crooked, and the low grounds are wide and rich, and I am informed, no part of Red river will afford better plantations than along its banks by this raft, which is represented as being so important as to render the country above it of little value for settlements; this opinion is founded entirely upon incorrect information. The first or lowest part of the raft is at a bend or point in the river, just below the upper plantation, at which, on the right side, a large bayau, or division of the river, called Bayau Channo, comes in, which is free of any obstructions, and the greater part of the year boats of any seize may ascend it, into Lake Bistoni, through which, to its communication with the lake, is only about three miles; the lake is about sixty miles long, and lays nearly parallel with the river, from the upper end of which it communicates again with the river, by a bayau called Daichet, about forty miles above the upper end of the raft; from the lake to the river, through Bayau Daichet, is called nine miles; there is always in this bayau sufficient water for any boat to pass; from thence upwards Red river is free of all obstructions to the mountains. By Lake Bistino, and these two bayaus, an island is formed, about seventy miles long, and three or four wide, capable of affording settlements inferior to none on the river. From the above account you will perceive, that the only difficulty in opening a boat passage by this raft, through the lake, which is much shorter than by the course of the river, and avoid the current, and indeed, was the river unobstructed, would always be preferred, is this small jam of timber at the Point, just below the Bayau Channo, as it is called.

After the receipt of your letter I had an opportunity of seeing some of the inhabitants who live near this place, who informed me, that that small raft was easily broken, and that they had lately been talking of doing it. I persuaded them to make the attempt, and they accordingly appointed the Friday following, and all the neighbors were to be invited to attend and assist. They met accordingly, and effected a passage next to one bank of the river, so that boats could pass, but did not entirely break it; they intend to take another spell at it, when the water falls a little, and speak confidently of succeeding.

The country about the head of Lake Bistino, is highly spoken of, as well the highlands, as the river bottom. There are falling into the river and lake in the vicinity, some handsome streams of clear wholesome water from towards Washita, one in particular called Bayau Badkah by the Indians, which is boatable at some seasons; this bayau passes through a long, narrow, and rich prairie, on which my informant says, five hundred families might be desirably settled; and from thence up to where the Caddos lately lived, the river banks are high, bottoms wide and rich as any other part of the river. From thence it is much the same to the mouth of the Little river of the left; this river is generally from fifty to one hundred yards wide; heads in the great prairies south of Red river, and interlocks with the head branches of the Sabine and Trinity rivers; and in times of high-water, is boatable forty or fifty leagues, affording a large body of excellent well timbered and rich land, the low grounds from three to six miles wide; but the quality of the water, though clear, is very inferior to that of the streams that fall into Red river on the north side. The general course of the Red river from this upwards is nearly from West to East, till we arrive at the Panis towns, when it turns northwestwardly. After leaving the mouth of the Little river of the left, both banks are covered with strong, thick cane for about twenty miles; the low-grounds very wide, rich, and do not overflow; the river widening in proportion as the banks are less liable to overflow; you arrive at a handsome rich prairie twenty-five miles on the right side and four or five miles wide, bounded by handsome oak and hickory woods, mixed with some short leaved pine, interspersed with pleasant streams and fountains of water. The opposite or left side is a continuation of thick cane; the river or low lands ten or twelve miles wide. After leaving the prairie, the cane continues for about forty miles; you then arrive at another prairie, called Little prairie, left side, about five miles in length, and from two or three in breadth; opposite side continues cane as before; low lands wide, well timbered, very rich, and overflow but little; the river still widening. Back of the low grounds is a well timbered, rich upland country, gently rolling and well watered; from the Little prairie, both banks cane for ten or twelve miles, when the oak and pine woods come bluff to the river for about five miles; left hand side, cane as before; then the same on both sides for from ten to twenty miles wide; for about fifteen miles, when the cedar begins on both sides, and is the principal growth on the wide, rich river bottom for forty miles; in all the world there is scarcely to be found a more beautiful growth of cedar timber; they, like the cedars of Libanus, are large, lofty, and straight.

You now arrive at the mouth of the Little river of the right; this river is about one hundred and fifty yards wide; the water clear as crystal; the bottom of the river stony, and is boatable, at high water, up to the great prairies near two hundred miles by the course of the river; the low grounds generally from ten to fifteen miles wide, abounding with the most luxuriant growth of rich timber, but subject to partial inundation at particular rainy seasons. After leaving this river, both banks of Red river are cane as before for about twenty miles, when you come to the round prairie, right side, about five miles in circumference. At this place Red river is fordable at low water; a hard stony bottom, and is the first place from its mouth where it can be forded. This round prairie is high and pleasant, surrounded by handsome oak and hickory uplands; left side cane as before, and then the same both sides for twenty miles to the long prairie, left side, forty miles long; opposite side cane as before; near the middle of this prairie, there is a lake of about five miles in circumference, in an oval form, neither tree nor shrub near it, nor stream of water running either in or out of it; it is very deep, and the water so limpid that a fish may be seen fifteen feet from the surface. By the side of this lake the Caddoquies have lived from time immemorial. About one mile from the lake is the hill on which they say the Great Spirit placed one Caddo family, who were saved when, by a general deluge, all the world were drowned; from which family all the Indians have originated. For this little natural eminence all the Indian tribes, as well as the Caddoquies, for a great distance, pay a devout and sacred homage. Here the French, for many years before Louisiana was ceded to Spain, had erected a small fort; kept some soldiers to guard a factory they had here established for the Indian trade, and several French families were settled in the vicinity; built a flour mill, and cultivated wheat successfully for several years; and it is only a few years ago that the mill irons and mill stones were brought down; it is about twenty-five years since those French families moved down, and fourteen years since the Caddoquies left it. Here is another fording place when the river is low. On the opposite side a point of high oak, hickory, and pine land comes bluff to the river for about a mile; after which, thick cane to the upper end of the prairie; then the same on both sides for about twelve miles; then prairie on the left side for twenty miles, opposite side cane; then the same for thirty miles, then an oak high bluff three miles, cane again for about the same distance, on both sides; then for about one league, left side, is a beautiful grove of pacans, intermixed with no other growth; after which, cane both sides for forty miles; then prairie, left side, for twenty miles, and from one to two miles only in depth; about the middle of which comes in a bayau of clear running water, about fifty feet wide; then cane again both sides of the river for about forty miles; then, on the right side, a point of high pine woods bluff to the river for about half a mile, cane again fifteen or sixteen miles; then a bluff of large white rocks for about half a mile, near one hundred feet high, cane again about forty-five miles to a prairie on the right side, of about thirty miles long, and twelve or fifteen miles wide; there is a thin skirt of wood along the bank of the river, that when the leaves are on the trees, the prairie is, from the river, scarcely to be seen. From the upper end of this prairie it is thick cane again for about six miles, when we arrive at the mouth of bayau Galle, which is on the right side, about thirty yards wide, a beautiful, clear, running stream of wholesome well tasted water; after passing which, it is thick cane again for twenty-five miles, when we arrive at a river that falls in on the right side, which is called by the Indians Kiomitchie, and by the French, La Riviere la Mine, or Mine river, which is about one hundred and fifty yards wide, the water clear and good, and is boatable about sixty miles to the silver mine, which is on the bank of the river, and the ore appears in large quantities, but the richness of it is not known. The Indians inform of their discovering another, about a year ago, on a creek that empties into the Kiomitchie, about three miles from its mouth, the ore of which they say resembles the other. The bottom land of this river is not wide, but rich; the adjoining high lands are rich, well timbered, well watered, and situated. About the mine, the current of the river is too strong for boats to ascend it, the country being hilly. After passing the Kiomitchie, both banks of the river are covered with thick cane for twenty-five miles, then, left side, a high pine bluff appears again to the river for about half a mile, after which nothing but cane again on each side for about forty miles, which brings you to the mouth of a handsome bayau, left side, called by the Indians Nahaucha, which, in English, means the Kick; the French call it Bois d'Arc, or Bowwood creek, from the large quantity of that wood that grows upon it. On this bayau trappers have been more successful in catching beaver than on any other water of Red river; it communicates with a lake, three or four miles from its mouth, called Swan lake, from the great number of swan that frequent it; it is believed that this bayau is boatable at high water for twenty or thirty leagues, from what I have been informed by some hunters with whom I have conversed who have been upon it. The low grounds are from three to six miles wide, very rich, the principal growth on it is the bois d'arc. The great prairies approach pretty near the low grounds on each side of this creek; leaving which it is cane both sides for about eight miles, when we arrive at the mouth of the Vazzures, or Boggy river, which is about two hundred yards wide, soft miry bottom, the water whitish, but well tasted. Attempts have been made to ascend it in perogues, but it was found to be obstructed by a raft of logs, about twenty miles up it. The current was found to be gentle, and depth of water sufficient; was the channel not obstructed might be ascended far up it. The low grounds on this river are not as wide as on most of the rivers that fall into Red river, but very rich; the high lands are a strong clay soil; the principal growth oak. After leaving this river, the banks of Red river are alternately cane and prairie; timber is very small, and scattered along only in places; it is only now to be seen along the water courses. From the Boggy river to the Blue river is about fifty miles, which comes in on the right side. The water of this river is called blue, from its extreme transparency; it is said to be well tasted and admired for its quality to drink. The bed of this river is lined generally with black and greyish flint stones; it is about fifty yards wide, and represented as a beautiful stream; perogues ascend it about sixty or seventy miles. The low grounds of Blue river are a good width for plantations, very rich; the growth pacan, and every species of the walnut. The whole country here, except on the margin of the water courses, is one immense prairie. After passing this river copses of wood only are to be seen here and there along the river bank for about twenty-five miles, to a small turgid river, called by the Indians Babachaba, and by the French Fouxoacheta; some call it the Missouri branch of Red river; it emits a considerable quantity of water; runs from North to South, and falls into Red river nearly at right angles, and heads near the head of the Arkensas, and is so brackish it cannot be drank. On this river, and on a branch of the Arkensas, not far from it, the Indians find the salt rock; pieces of it have often been brought to Natchitoches by hunters, who procured it from the Indians. From the mouth of this river, through the prairie, to the main branch of the Arkensas, is three days journey; perhaps sixty or seventy miles in a straight line. From this to the Panis,' or Towrache towns, by land, is about thirty miles and by water, double that distance; the river is nearly a mile wide. The country on each side, for many hundreds of miles, is all prairie, except a skirt of wood along the river bank, and on the smaller streams; what trees there are are small; the grass is green summer and winter. In between thirty-three and thirty-four degrees of north latitude, the soil is very rich, producing, luxuriously, everything that is planted in it; the river from this upwards, for one hundred and fifty miles, continues at least a mile wide, and may be ascended in perogues.

Mr. Grappe, to whom I am indebted for the foregoing accurate description of Red river, informed me that his personal knowledge of it did not extend but little above the Panis towns; but Mr. Brevel, of the Isle Brevel, who was born at the Caddo old towns where he was, had been further up it, and that whatever account he gave me might be relied on.

I therefore sought an opportunity, a few days after, to obtain from Mr. Brevel the following narrative, which I wrote down from his own mouth as he related it:

"About 40 years ago, I set off, on foot, from the Panis nation (who then lived about fifty leagues above where they now live) in company with a party of young Indian men, with whom I had been partly raised, on a hunting voyage, and to procure horses. We kept up on the south side of Red river, as near it as we could conveniently cross the small streams that fall in, sometimes at some distance, and at others very near it, and in sight of it. We found the country all prairie, except small copses of wood, cedar, cotton wood, or moscheto, among which a stick six inches in diameter could not be found; the surface becoming more and more light, sandy and hilly, with ledges of clifts of a greyish sandy rock, but every where covered with herbage. We found many small streams falling into the river, but none of any considerable size, or that discharged much water in dry seasons, but many deep gullies formed by the rain water. After travelling for several days over a country of this description, the country became more broken, the hills rising into mountains, among which we saw a great deal of rock salt, and an ore the Indians said was my (meaning the white people's) treasure, which I afterwards learned was silver; and that, among these mountains of mines, we often heard a noise like the explosion of a cannon, or distant thunder, which the Indians said was the spirit of the white people working in their treasure, which, I afterwards was informed, was the blowing of the mines, as it is called, which is common in all parts of Spanish America where mines exist. The main branch of the river became smaller, until it divided into almost innumerable streams that issued out of the valleys among these mountains; the soil is very light and sandy, and of a reddish grey color. We travelled on from the top of one mountain to the top of another, in hopes the one we were ascending was always the last, till the small streams we met with ran the contrary way, towards the setting sun, and the lands declining that way. We continued on till the streams enlarged into a river of considerable size, and the country became level, well timbered, the soil a rich black loam; the waters were all clear and well tasted. Here we found a great many different tribes of the Hietan, Appaches, and Concee Indians; we likewise fell in with them frequently from the time we had been a few days out from the Panis towns, and were always treated kindly by them. I believe the distance from the Panis old towns to where we saw the last of Red river water, is at least one hundred leagues; and in crossing over the ridge, we saw no animals that were not common in all the country of Louisiana, except the spotted tiger, and a few white bears. After spending some days on the western waters, we set off for the settlements of Santa Fe, steering nearly a southeast course, and in a few days were out of the timbered into prairie country; the country became broken and hilly, the waters all running westwardly; the country was also clothed with a luxuriant herbage, and we frequently passed mines of silver ore. We arrived, at length, at a small, meanly built town in the Santa Fe settlement, containing about one hundred houses, round which were some small, cultivated fields, fenced round with small cedar and moscheto brush, wattled in stakes. This little town was on a small stream of water that ran westwardly, and, in a dry season, scarcely ran at all; and the inhabitants were obliged to water their cattle from wells.

And I understood that the bayau upon which this town is situated, was no part of the Rio Grande, but fell into the western ocean; but of that I might have been mistaken. I understood that similar small towns, or missions were within certain distances of each other for a great extent southwardly towards Mexico; and that the inhabitants were mostly christianized Indians and Matiffs. That the mines in that settlement afforded very rich ore, which was taken away in large quantities, packed on mules, and had the same appearance of what we met with about the head branches of Red river. After furnishing ourselves with horses at this place, we set off again for the Panis towns, from whence we started, steering at first southwardly, in order to avoid a high, mountainous country, that is difficult to cross, that lies between Santa Fe and Red river. After traveling some distance south, we turned our course northeastwardly, and arrived at the Panis towns in eighteen days from the day we left Santa Fe settlements, and three months and twenty days from the time we started."

He is of the opinion, that from the Panis towns to Santa Fe, in a right line, is nearly three hundred miles, and all the country prairie, a few scattering cedar knobs excepted. After he had finished his narrative, I asked him how far Red river was boatable. He said, not much above the Panis old towns; not that he knew of any particular falls or obstructions, but that the head branches of the river came from steep mountains, on which the rain often poured down in torrents, and runs into the river with such velocity, sweeping along with it large quantities of loose earth, of which these hills and mountains are composed; that it rolls like a swell in the sea, and would either sink or carry along with it any boat that it might meet in the river. But, he observed at the same time, that his opinion was founded on no experiment that he had ever known made. I asked him if the Indians had no perogues high up in the river. He told me that the Indians there knew nothing of the use of them, for instead of their being, for hundreds of miles, a tree large enough for a canoe, one could scarcely be found large enough to make a fowl trough. I asked him what animals were found in the great prairies. He told me, that from Blue river, upwards, on both sides of Red river, there were innumerable quantities of wild horses, buffalo, bears, wolves, elk, deer, foxes, sangliers, or wild hogs, antelope, white hares, rabbits, &c., and on the mountains the spotted tiger, panther, and wild cat. He farther told me, that about twenty-three years ago, he was employed by the Governor of St. Antoine, to go from that place into some of the nations that lived towards Santa Fe, who were at war with the Spaniards, to try to make a peace with them, and bring in some of the chiefs to St. Antoine. He set off from that place with a party of soldiers, and was to have gone to Santa Fe; they passed on a northwestwardly course for about two hundred miles, but after getting into the Great Prairie, the season being dry, they were forced to turn back for want of water for themselves and horses, and that he does not know how near he went to Santa Fe, but believes he might have been half way.

The accounts given by Mr. Brevel, Mr. Grappe, and all other hunters with whom I have conversed, of the immense droves of animals that, at the beginning of winter, descend from the mountains down southwardly, into the timbered country, is almost incredible. They say that the buffalo and bear, particularly, are in droves of many thousands together, that blacken the whole surface of the earth, and continue passing, without intermission, for weeks together, so that the whole surface of the country is, for many miles in breadth, trodden like a large road.

I am, sir, &c.,

JOHN SIBLEY.

NATCHITOCHES, *April* 10, 1805.

Distances up Red river by the course of the river.

	Miles.
From the mouth of Red river to Black river	31
to Baker's landing, lower end avoyal	51
La Glee's ditto, upper end avoyal -	15
Rice's - - - - - - -	6
Hoome's - - - - - - -	18
Nicholas Grubb's - - - - -	21
mouth of bayau Rapide - - -	15
Indian villages - - - - -	22
Mount Pleasant, Gillard's place -	7
mouth of Rigula de Bondieu - -	6
Mounete's plantation - - -	10
mouth of Little river - - -	24
bayou Brevell - - - - - -	20
Natchitoches - - - - - -	20
Grand Ecore - - - - - -	10
Compti - - - - - - -	20
bayau Channo - - - - -	15
lake Bistino, through bayau Channo	3
through lake Bistino to the upper end of Channo - - - - - -	60
through bayau Daichet to the river again - - - - - - -	9
late Caddo villages where they lived five years ago - - - -	80
Little river of the left - - -	80
Long prairie, left side - - -	40
upper end of ditto - - - -	25
Little prairie, left side - - -	40
upper end ditto - - -	5
Pine Blnff, right side - - -	12
upper end ditto - - -	5
cedars - - - - - - -	15
upper end ditto and mouth of Little river of the right - - - -	40
round prairie, right side, (first fording place) - - - - - -	20
lower end of Long prairie, left side -	25
upper end ditto - - - -	40
next prairie, same side - - -	12
upper end of the same - - -	20
three mile oak and pine bluff - -	30
Pacan Grove - - - - - -	9
upper end of the same - - - -	6
prairie next above the pacans - -	40
upper end of the same - - -	25
Pine Bluff, right side - - -	45
White-oak Bluff - - - - -	15
next prairie, right side - - -	45
upper end ditto - - - -	30
bayau Galle, right side - - -	6
mouth of Kiomitchie or Mine river	25
Pine Bluff, left side - - - -	25
bayou Kick or Bois d'arc creek -	40
the Vazzures, or Boggy river, right side - - - - - - - -	8
Blue river, right side - - - -	50
Faux Oacheto or Missouri branch -	25
Panis or Towiache towns - -	70
Panis or ditto old towns - - -	150
head branch of Red river, or dividing ridge - - - - - - - -	300
To which may be added for so much the distance being shortened by going through Lake Bistino than the course of the river	60

Computed length of Red river from where it falls into the Mississippi - - -	1,831
To which add the distance from the mouth of Red river to the ocean, by either the Mississippi or the Cheffeli, which was once probably the mouth of Red river - -	320
Total length of Red river	2.151

OBSERVATIONS,

Made in a voyage commencing at St. Catharine's landing, on the east bank of the Mississippi, proceeding downwards to the mouth of the Red river, and from thence ascending that river, the Black river, and the Washita river, as high as the hot springs in the proximity of the last mentioned river; extracted from the journals of William Dunbar, Esq., and Doctor Hunter.

Mr. Dunbar, Doctor Hunter, and the party employed by the United States to make a survey of, and explore the country traversed by the Washita river, left St. Catharine's landing, on the Missisippi, in latitude 31° 26′ 30″ N. and longitude 6hs. 5′ 56″ W. from the meridian of Greenwich, on Tuesday the 16th of October, 1804. A little distance below St. Catharine's creek, and five leagues from Natches, they passed the White Cliffs, composed chiefly of sand, surmounted by pine, and from one hundred to two hundred feet high. When the waters of the Mississippi are low, the base of the cliff is uncovered, which consists of different colored clays, and some beds of ochre, over which there lies, in some places, a thin lamina of iron ore. Small springs possessing a petrifying quality flow over the clay and ochre, and numerous logs and pieces of timber, converted into stone, are strewed about the beach, Fine pure argil of various colors, chiefly white and red, is found here.

On the 17th they arrived at the mouth of Red river, the confluence of which with the Mississippi, agreeably to the observations of Mr. De Ferrer, lies in latitude 31° 1′ 15″ N. and longitude 6hs. 7′ 11″ W. of Greenwich. Red river is here about five hundred yards wide, and without any sensible current. The banks of the river are clothed with willow; the land low and subject to inundation, to the height of thirty feet or more above the level of the water at this time. The mouth of the Red river is accounted to be seventy-five leagues from New Orleans, and three miles higher up than the Chafalaya, or Opelousa river, which was probably a continuation of the Red river when its waters did not unite with those of the Mississippi but during the inundation.

On the 18th the survey of the Red river was commenced, and on the evening of the 19th the party arrived at the mouth of the Black river, in latitude 31° 15′ 48″ N. and about twenty-six miles from the Mississippi. The Red river derives its name from the rich fat earth, or marle, of that color, borne down by the floods; the last of which appeared to have deposited on the high bank a stratum of upwards of half an inch in thickness.

The vegetation on its banks is surprisingly luxuriant; no doubt owing to the deposition of marle during its annual floods. The willows grow to a good size; but other forest trees are much smaller than those seen on the banks of the Mississippi. As you advance up the river, it gradually narrows; in latitude 31° .08 N. it is about two hundred yards wide, which width is continued to the mouth of Black river, where each of them appears one hundred and fifty yards across. The banks of the river are covered with pea vine and several sorts of grass, bearing seed, which geese and ducks eat very greedily; and there are generally seen willows growing on one side, and on the other a small growth of black oak, packawn, hickory, elm, &c. The current in the Red river is so moderate as scarcely to afford an impediment to its ascent.

On sounding the Black river a little above its mouth, there was found twenty feet of water, with a bottom of black sand. The water of Black river is rather clearer than that of the Ohio, and of a warm temperature, which it may receive from the water flowing into it from the valley of the Mississippi, particularly by the Catahoola. At noon on the 23d, by a good meridian observation, they ascertained their latitude to be 30° 36′ 29″ N. and were then a little below the mouths of the Catahoola, Washita and Bayau Tenza the united waters of which form the Black river, which in many places does not exceed eighty yards in width. The banks on the lower part of the river present a great luxuriance of vegetation and rank grass, with red and black oak, ash, paccawn, hickory, and some elms.* The soil is black marle, mixed with a moderate proportion of sand, resembling much the soil on the Mississippi banks; yet the forest trees are not lofty, like those on the margin of the great river, but resembling the growth on the Red river. In latitude 31° 22′ 46″ N. they observed that canes grew on several parts of the right bank, a proof that the land is not deeply overflowed; perhaps from one to three feet; the banks have the appearance of stability; very little willow, or other productions of a newly formed soil being seen on either side. On advancing up the river, the timber becomes larger, in some places rising to the height of forty feet; yet the land is liable to be inundated, not from the waters of this small river, but from the intrusion of its more powerful neighbor the Mississippi. The lands decline rapidly, as in all alluvial countries, from the margin to the Cypress swamps, where more or less water stagnates all the year round. On the 21st they passed a small, but elevated island, said to be the only one in this river for more than one hundred leagues ascending. On the left bank, near this island, a small settlement of a couple of acres has been begun by a man and his wife. The banks are not less than forty feet above the present level of the water in the river, and are but rarely overflowed: on both sides they are clothed with rich cane brake, pierced by creeks fit to carry boats during the inundation.

They saw many cormorants, and the whooping crane; geese and ducks are not yet abundant, but are said to arrive in myriads, with the rains and winter's cold. They shot a fowl of the duck kind, whose foot was partially divided, and the body covered with a bluish, or lead colored plumage. On the morning of the twenty-second, they observed green matter floating on the river, supposed to come from the Catahoola and other lakes and bayaus of stagnant water, which, when raised a little by rain, flow into the Black river; and also many patches of an aquatic plant, resembling small islands, some floating on the surface of the river, and others adhering to, or resting on the shore and logs. On examining this plant, it was found a hollow, jointed stem, with roots of the same form, extremely light, with very narrow willow shaped leaves projecting from the joint, embracing however, the whole of the tube, and extending to the next inferior joint or knot. The extremity of each branch is terminated by a spike of very slender, narrow seminal leaves from one to two inches in length, and one tenth, or less, in breadth, producing its seed on the underside of the leaf, in a double row almost in contact; the grains alternately placed in perfect regularity: not being able to find the flower, its class and order could not be determined, although it is not probably new. Towards the upper part of the Black river, the shore abounded with muscles and periwinkles. The muscles were of the kind called pearl muscles. The men dressed a quantity of them considering them as an agreeable food; but Mr. D. found them tough and unpalatable.

On arriving at the mouth of the Catahoola, they landed to procure information from a Frenchman settled there. Having a grant from the Spanish Government, he has made a small settlement, and keeps a ferry-boat for carrying over men and horses travelling to and from Natchez, and the settlements on Red river and on the Washita river. The country here is all alluvial. In process of time, the rivers shutting up ancient passages and elevating the banks over which their waters pass, no longer communicate with the same facility as formerly; the consequence is, that many larger tracts formerly subject to inundation, are now entirely exempt from that inconvenience. Such is the situation of a most valuable tract upon which this Frenchman is settled. His house stands on an Indian mount, with several others in view. There is also a species of rampart surrounding this place, and one very elevated mount, a view and description of which is postponed till the return; their present situation not allowing of the requisite delay. The soil is equal to the best Mississippi bottoms.*

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*Among the plants growing on the margin of the river is the cheria root, used in medicine, and the cantac, occasionally used by the hunters for food: the last has a bulbous root, ten times the size of a man's fist. In preparing it, they first wash it clean from earth, then pound it well, and add water to the mass and stir it up; after a moment's settlement the water and fecula is poured off: this operation is repeated until it yields no more fecula, the fibrous part only being left, which is thrown away as useless: the water is then poured from the sediment, which is dried in the sun and will keep a long time. It is reduced into powder and mixed with Indian meal or flour, and makes wholesome and agreeable food. The labor is performed by the women whilst they are keeping the camp, and their husbands are in the woods hunting.

They obtained from the French settler the following list of distances between the mouth of Red river and the post on the Washita, called Fort Miro.

	Leagues.
From the mouth of Red river to the mouth of Black river	10
To the mouth of Catahoola, Washita, and Tenza	22
To the river Ha-ha, on the right	1
To the Prairie de Villemont, on the same side	5
To the Bayau Louis, on the same side, rapids here	1
To Bayau Bœuf, on the same side,	4
To the Prairie Noyu, (drowned savanna,)	3
To Pine Point, on the left	4½
To Bayau Calmut	3½
To the Coalmine, on the right, and Gypsum on the opposite shore	3
To the first settlement	12
To Fort Miro	22
	91

From this place they proceeded to the mouth of Washita, in lat. 35° 37′ 7″ N. and encamped on the evening of the 23d.

This river derives its appellation from the name of an Indian tribe formerly resident on its banks; the remnant of which, it is said, went into the great plains to the westward, and either compose a small tribe themselves, or are incorporated into another nation. The Black river loses its name at the junction of the Washita, Catahoola, and Tenza, although our maps represent it as taking place of, the Washita. The Tenza and Catahoola are also named from Indian tribes now extinct. The latter is a creek twelve leagues long, which is the issue of a lake of the same name, eight leagues in length and about two leagues in breadth. It lies west from the mouth of the Catahoola, and communicates with the Red river during the great annual inundation. At the west or northwest angle of the lake, a creek called Little river, enters, which preserves a channel with running water at all seasons, meandering along the bed of the lake; but in all other parts its superfices, during the dry season from July to November, and often later, is completely drained, and becomes covered with the most luxurious herbage; the bed of the lake then becomes the residence of immense herds of deer, of turkeys, geese, crane, &c., which feed on the grass and grain. Bayau Tenza serves only to drain off a part of the waters of the inundation from the low lands of the Mississippi, which here communicate with the Black river, during the season of high water.

Between the mouth of the Washita, and Villemont's prairie on the right, the current of the river is gentle, and the banks favorable for towing. The lands on both sides have the appearance of being above the inundation; the timber generally such as high lands produce, being chiefly red, white and black oaks, interspersed with a variety of other trees. The magnolia grandiflora, that infallible sign of the land not being subject to inundation, is not, however, among them. Along the banks a stratum of solid clay, or marle, is observable, apparently of an ancient deposition. It lies in oblique positions, making an angle of nearly thirty degrees with the horizon, and generally inclined with the descent of the river, although in a few cases the position was contrary. Timber is seen projecting from under the solid bank, which seems indurated, and unquestionably very ancient, presenting a very different appearance from recently formed soil. The river is about eighty yards wide. A league above the mouth of the Washita, the bayau Ha-ha comes in unexpectedly from the right, and is one of the many passages through which the waters of the great inundation penetrate and pervade all the low countries, annihilating, for a time the currents of the lesser rivers in the neighborhood of the Mississippi. The vegetation is remarkably vigorous along the alluvial banks, which are covered with a thick shrubbery, and innumerable plants in full blossom at this late season.

Villemont's prairie is so named in consequence of its being included within a grant under the French Government to a gentleman of that name. Many other parts on the Washita are named after their early proprietors. The French people projected and began extensive settlements on this river, but the general massacre planned, and in part executed by the Indians against them, and the consequent destruction of the Natchez tribe by the French, broke up all these undertakings, and they were not recommenced under that Government. Those prairies are plains, or savannas, without timber; generally very fertile, and producing an exuberance of strong, thick, and coarse herbage. When a piece of ground has once got into this state in an Indian country, it can have no opportunity of reproducing timber, it being an invariable practice to set fire to the dry grass in the fall or winter, to obtain the advantage of attracting game when the young tender grass begins to spring; this destroys the young timber, and the prairie annually gains upon the wood land. It is probable that the immense plains known to exist in America, may owe their origin to this custom. The plains of the Washita lie chiefly on the east side, and being generally formed like the Mississippi land, sloping from the bank of the river to the great river, they are more or less subject to inundation in the rear; and in certain great floods the water has advanced so far as to be ready to pour over the margin into the Washita. This has now become a very rare thing, and it may be estimated that from a quarter of a mile to a mile in depth, will remain free from inundation during high floods. This is pretty much the case with those lands nearly as high as the post of the Washita, with the exception of certain ridges of primitive high land; the rest being evidently alluvial, although not now subject to be inundated by the Washita river in consequence of the great depth which the bed of the river has acquired by abrasion. On approaching towards the Bayau Louis, which empties its waters into the Washita on the right, a little below the rapids, there is a great deal of high land on both sides, which produces pine and other timber, not the growth of inundated lands. At the foot of the rapids the navigation of the river is impeded by beds of gravel formed in it. The first rapids lie in latitude 31° 48′ 57″ .5 N. a little above which there is a high ridge of primitive earth, studded with abundance of fragments of rocks, or stone, which appears to have been thrown to the surface in a very irregular manner. The stone is of a friable nature, some of it having the appearance of indurated clay; the outside is blackish from exposure to the air, within it is a grayish white; it is said that in the hill the strata are regular and that good grindstones my be here obtained. The last of the rapids, which is formed by a ledge of rocks crossing the entire bed of the river, was passed in the evening of the 27th; above it the water became again like a mill-pond, and about one hundred yards wide. The whole of these first shoals, or rapids, embraced an extent of about a mile and a half; the obstruction was not continued, but felt at short intervals in this distance. On the right, about four leagues from the rapids, they passed the "Bayau Aux Boeufs," a little above a rocky hill: high lands and savanna are seen on the right. On sounding the river they found three fathoms water on a bottom of mud and sand. The banks of the river, above the bayau, seem to retain vey little alluvial soil; the highland earth, which is a sandy loam of a light gray color, with streaks of red sand and clay, is seen on the left bank; the soil not rich, bearing pines, interspersed with red oak, hickory and dogwood. The river is from sixty to one hundred yards wide here, but decreases as you advance. The next rapid is made by a ledge of rocks traversing the river, and narrowing the water channel to about thirty yards. The width between the high banks cannot be less than one hundred yards, and the banks from thirty to forty feet high. In latitude 32° 10′ 13″ rapids and shoals again occurred, and the channel was very narrow; the sand bars, at every point, extended so far into the bend as to leave little more than the breadth of the boat of water sufficiently deep for her passage, although it spreads over a width of seventy or eighty yards upon the shoal.

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* There is an embankment running from the Catahoola to Black river (enclosing about two hundred acres of rich land,) at present about ten feet high, and ten feet broad. This surrounds four large mounds of earth at the distance of a bow-shot from each other; each of which may be twenty feet high one hundred feet broad, and three hundred feet long at the top, besides a stupendous turret situate on the back part of the whole, or farthest from the water, whose base covers about an acre of ground, rising by two steps or stories tapering in the ascent, the whole surmounted by a great cone with its top cut off. This tower of earth on admeasurement was found to be eighty feet perpendicular.

In the afternoon of the 31st, they passed a little plantation or settlement on the right, and at night arrived at three others adjoining each other. These settlements are on a plain or prairie, the soil of which we may be assured is alluvial from the regular slope which the land has from the river. The bed of the river is now sufficiently deep to free them from the inconvenience of its inundation; yet in the rear, the waters of the Mississippi approach, and sometimes leave dry but a narrow strip along the bank of the river. It is however now more common, that the extent of the fields cultivated (from ¼ to ½ mile) remains dry during the season of inundation; the soil here is very good, but not equal to the Mississippi bottoms; it may be esteemed second rate. At a small distance to the east are extensive cypress swamps, over which the waters of the inundation always stand to the depth of from fifteen to twenty-five feet. On the west side, after passing over the valley of the river, whose breadth varies from a quarter of a mile to two miles, or more, the land assumes a considerable elevation, from one hundred to three hundred feet, and extends all along to the settlements of the Red river. These high lands are reported to be poor, and badly watered, being chiefly what is termed pine barren. There is here a ferry and road of communication between the post of the Washita, and the Natchez, and a fork of this road passes on to the settlement called the Rapids, on Red river, distant from this place by computation one hundred and fifty miles.

On this part of the river lies a considerable tract of land granted by the Spanish Government to the Marquis of Maison Rouge, a French emigrant, who bequeathed it with all his property to M. Bouligny, son of the late colonel of the Louisiana regiment, and by him sold to Daniel Clarke. It is said to extend from the post of Washita, with a breadth of two leagues, including the river down to the bayau Calumet; the computed distance of which along the river is called thirty leagues, but supposed not more than twelve in a direct line.

On the 6th of November, in the afternoon, the party arrived at the post of the Washita, in lat. 32° 29′ 37″ 25. N. where they were politely received by Lieutenant Bowmar, who immediately offered the hospitality of his dwelling with all the services in his power.

From the ferry to this place the navigation of the river is, this season, interrupted by many shoals and rapids. The general width is from eighty to a hundred yards. The water is extremely agreeable to drink, and much clearer than that of the Ohio. In this respect it is very unlike its two neighbors, the Arkansa and Red rivers, whose waters are loaded with earthy matters of a reddish brown color, giving to them a chocolate-like appearance; and, when those waters are low, are not potable, being brackish from the great number of salt springs which flow into them, and probably from the beds of rock salt over which they may pass. The banks of the river presented very little appearance of alluvial land, but furnished an infinitude of beautiful landscapes, heightened by the vivid coloring they derive from the autumnal changes of the leaf. Mr. Dunbar observes, that the change of color in the leaves of vegetables which is probably occasioned by the oxygen of the atmosphere acting on the vegetable matter, deprived of the protecting power of the vital principle, may serve as an excellent guide to the naturalist who directs his attention to discovery of new objects for the use of the dyer. For he has always remarked that the leaves of those trees whose bark or wood are known to produce a dye, are changed in autumn to the same color which is extracted in the dyer's vat from the woods; more especially by the use of mordants, as alum, &c., which yields oxygen: thus the foliage of the hickory, and oak, which produces the quercitron bark, is changed before its fall into a beautiful yellow; other oaks assume a fawn color, a liver color, or a blood color, and are known to yield dyes of the same complexion.

In latitude 32° 18′ north, Dr. Hunter discovered along the river side a substance nearly resembling mineral coal; its appearance was that of the carbonated wood described by Kirwan. It does not easily burn, but on being applied to the flame of a candle, it sensibly increased it, and yielded a faint smell, resembling in a slight degree, that of the gum lac of common sealing wax.

Soft friable stone is common, and great quantities of gravel and sand upon the beaches in this part of the river. A reddish clay appears in the strata, much indurated and blackened by exposure to the light and air.

The position called Fort Miro being the property of a private person, who was formerly civil commandant here, the lieutenant has taken post about four hundred yards lower; has built himself some log-houses, and enclosed them with a slight stockade. Upon viewing the country east of the river, it is evidently alluvial; the surface has a gentle slope from the river to the rear of the plantations. The land is of excellent quality, being a rich black mould to the depth of a foot, under which there is a friable loam of a brownish liver color.

At the post of the Washita, they procured a boat of less draught of water than the one in which they ascended the river thus far; at noon, on the 11th of November, they proceeded on the voyage, and in the evening encamped at the plantation of Baron Bastrop.

This small settlement on the Washita, and some of the creeks falling into it, contains not more than five hundred persons, of all ages and sexes. It is reported, however, that there is a great quantity of excellent land upon these creeks, and that the settlement is capable of great extension, and may be expected, with an accession of population, to become very flourishing. There are three merchants settled at the post, who supply, at very exorbitant prices, the inhabitants with heir necessaries; these, with the garrison, two small planters, and a tradesman or two, constiute the present village. A great proportion of he inhabitants continue the old practice of huntng during the winter season, and they exchange heir peltry for necessaries with the merchants, at a low rate. During the summer these people content themselves with raising corn, barely sufficient for bread during the year. In this manner they always remain extremely poor. Some few who have conquered that habit of indolence, which is always the consequence of the Indian mode of life, and attend to agriculture, live more comfortably, and taste a little the sweets of civilized life.

The lands along the river above the post, are not very inviting, being a thin, poor soil, and covered with pine wood. To the right, the settlements on the bayau Barthelemi and Siard, are said to be rich land.

On the morning of the thirteenth, they passed an island and a strong rapid, and arrived at a little settlement below a chain of rocks, which cross the channel between an island and the main land, called Roque Raw. The Spaniard and his family settled here, appear, from their indolence, to live miserably. The river acquires here a most spacious appearance, being about one hundred and fifty yards wide. In the afternoon they passed the bayau Barthelemi on the right, above the last settlements, and about twelve computed leagues from the post. Here commences Baron Bastrop's great grant of land from the Spanish Government, being a square of twelve leagues on each side, a little exceeding a million of French acres. The banks of the river continue about thirty feet high, of which eighteen feet from the water are a clayey loam of a pale ash color, upon which the water has deposited twelve feet of light, sandy soil, apparently fertile, and of a dark brown color. This description of land is of a small breadth, not exceeding half a mile on each side of the river, and may be called the valley of the Washita, beyond which there is high land covered with pines.

The soil of the "Bayau des Buttes," continues thin, with a growth of small timber. This creek is named from a number of Indian mounts discovered by the hunters along its course. The margin of the river begins to be covered with such timber as usually grows on inundated land, particularly a species of white oak, vulgarly called the over-cup oak; its timber is remarkably hard, solid, ponderous, and durable, and it produces a large acorn in great abundance, upon which the bears feed, and which is very fattening to hogs.

In latitude 32° 50′ 8″ north, they passed a long and narrow island. The face of the country begins to change; the banks are low and steep, the river deep and more contracted, from thirty to fifty yards in width. The soil in the neighborhood of the river is a very sandy loam, and covered with such vegetables as are found on the inundated lands of the Mississippi. The tract presents the appearance of a new soil, very different from what they passed below. This alluvial tract may be supposed the site of a great lake, drained by a natural channel, from the abrasion of the waters; since which period the annual inundations have deposited the superior soil; eighteen or twenty feet is wanting to render it habitable for man. It appears, nevertheless, well stocked with the beasts of the forest, several of which were seen. Quantities of water fowl are beginning to make their appearance, which are not very numerous here until the cold rains and frost compel them to leave a more northern climate. Fish is not so abundant as might be expected, owing, it is said, to the inundation of the Mississippi, in the year 1799, which dammed up the Washita, some distance above the post, and produced a stagnation and consequent corruption of the waters that destroyed all the fish within its influence.

At noon, on the 15th of November, they passed the island of Mallet, and at ninety yards northeast from the upper point of that island, by a good observation ascertained their latitude to be 32° 59′ 27″.5 north, or two seconds and a half of latitude south of the dividing line between the territories of Orleans and Louisiana. The bed of the river along this alluvial country, is generally covered with water, and the navigation uninterrupted, but in the afternoon of this day they passed three contiguous sand-bars, or beaches, called "les trois battures," and before evening the "bayau de grand Marais," or great marsh creek on the right, and "la Cypreri Chattelrau," a point of high land on the other side, which reaches within half a mile of the river. As they advanced towards the marais de saline, on the right, a stratum of dirty white clay under the alluvial tract showed them to be leaving the sunken and approaching the highland country. The salt lick marsh does not derive its name from any brackishness in the water of the lake or marsh, but from its contiguity to some of the licks, sometimes called "saline," and sometimes "glaise," generally found in a clay, compact enough for potter's clay. The bayau de la Tulipe forms a communication between the lake and the river. Opposite to this place, there is a point of high land, forming a promontory, advancing within a mile of the river, and to which boats resort when the low grounds are under water. A short league above is the mouth of the grand bayau de Saline, (Salt Lick creek.) This creek is of considerable length, and navigable for small boats. The hunters ascend it to one hundred leagues, in pursuit of game, and all agree that none of the springs which feed this creek are salt. It has obtained its name from the many buffalo salt licks which have been discovered in its vicinity. Although most of these licks, by digging, furnish water which holds marine salt in solution, there exists no reason for believing that many of them would produce nitre. Notwithstanding this low and alluvial tract appears in all respects well adapted to the growth of the long moss, (tilandsia,) none was observed since entering it in latitude 32° 52′, and as the pilot informed them none would be seen in their progress up the river, it is probable that the latitude of thirty-three degrees is about the northern limit of vegetation. The long-leaf pine, frequently the growth of rich and even inundated land, was here observed in great abundance; the short-leaved, or pitch pine, on the contrary, is always found upon arid lands, and generally in sandy and lofty situations.

This is the season when the poor settlers on the Washita turn out to make their annual hunt. The deer is now fat, and the skins in perfection; the bear is now also in his best state, with regard to the quality of his fur, and the quantity of fat or oil he yields, as he has been feasting luxuriantly on the Autumnal fruits of the forest. It is here well known that he does not confine himself as some writers have supposed, to vegetable food he is particularly fond of hog's flesh. Sheep and calves are frequently his prey, and no animal escapes him which comes within his power, and which he is able to conquer. He often destroys the fawn, when chance throws it in his way. He cannot, however, discover it by smelling, notwithstanding the excellence of his scent, for nature has, as if for its protection, denied the fawn the property of leaving any effluvium upon its track—a property so powerful in the old deer.* The bear, unlike most other beasts of prey, does not kill the animal he has seized upon before he eats it; but regardless of its struggles, cries, and lamentations, fastens upon, and if the expression is allowable, devours it alive. The hunters count much on their profits from the oil drawn from the bear's fat, which, at New Orleans, is always of ready sale, and much esteemed for its wholesomeness in cooking, being preferred to butter or hog's lard. It is found to keep longer than any other animal oil without becoming rancid, and boiling it from time to time, upon sweet bay leaves, restores its sweetness, or facilitates its conservation.

In the afternoon of the 17th they passed some sand beaches, and over a few rapids. They had cane brakes on both sides of the river; the canes were small, but demonstrate that the water does not surmount the bank more than a few feet. The river begins to widen as they advance; the banks of the river show the high-land soil, with a stratum of three or four feet of alluvium deposited by the river upon it. This superstratum is grayish, and very sandy, with a small admixture of loam, indicative of the poverty of the mountains and uplands where the river rises. Near this they passed through a new and very narrow channel, in which all the water of the river passes except in time of freshes, when the interval forms an island. A little above this pass is a small clearing, called "Cache la Tulipe," (Tulip's hiding place;) this is the name of a French hunter who here concealed his property. It continues the practice of both the white and red hunters to leave their skins, &c., often suspended to poles, or laid over a pole placed upon two forked posts, in sight of the river, until their return from hunting. These deposits are considered as sacred, and few examples exist of their being plundered. After passing the entrance of a bay, which within must form a great lake during the inundation, great numbers of the long-leaf pine were observed, and the increased size of the canes along the river's bank, denoted a better and more elevated soil; on the left was a high hill (300 feet) covered with lofty pine trees.

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* It may not be generally known to naturalists, that between the hoof of the deer, &c., there is found sack, with its mouth inclining upwards, containing more or less of musk, and which, by escaping over the opening, in proportion to the secretion, causes the foot to leave a scent on the ground wherever it passes. During the rutting season this musk is so abundant particularly in old males, as to be smelt by the hunters at a considerable distance.

The banks of the river present more the appearance of upland soil, the under stratum being a pale, yellowish clay, and the alluvial soil of a dirty white, surmounted by a thin covering of a brown vegetable earth. The trees improve in appearance, growing to a considerable size and height, though yet inferior to those on the alluvial banks of the Mississippi. After passing the "Bayau de Hachis," on the left, points of high land, not subject to be overflowed, frequently touch the river, and the valley is said to be more than a league in breadth on both sides. On the left are pine hills called "Code de Champignole." The river is not more than fifty or sixty yards wide. On the morning of the 20th they passed a number of sand-beaches, and some rapids, but found good depth of water between them. A creek called "Chemin Couvert," which forms a deep ravine in the high lands, here enters the river; almost immediately above this is a rapid where the water in the river is confined to a channel of about forty yards in width; above it they had to quit the main channel, on account of the shallowness and rapidity of the water, and pass along a narrow channel of only sixty feet wide. Without a guide a stranger might take this passage for a creek.

Notwithstanding the lateness of the season, and the northern latitude they were in, they this day met with an alligator. The banks of the river are covered with cane, or thick underbrush, frequently so interwoven with thorns and briars as to be impenetrable. Birch, maple, holly, and two kinds of wood to which names have not yet been given, except "water-side wood," are here met with, as also persimmons and small black grapes. The margin of the river is fringed with a variety of plants and vines, among which are several species of convolvulus.

On the left they passed a hill and cliff one hundred feet perpendicular, crowned with pines, and called "Cote de Finn," (Fin's hill,) from which a chain of high land continues some distance. The cliff presents the appearance of an ash-colored clay. A little further to the right is the Bayau d'Acasia, (Locust creek.) The river varies here from eighty to an hundred yards in width, presenting frequent indications of iron along ts banks, and some thin strata of iron ore. The ore is from half an inch to three inches in thickness.

On the morning of the 22d of November, they arrived at the road of the Chadadoquis Indian nation, leading to the Arkansas nation; a little beyond this is the Ecor a Fabri, (Fabri's cliffs,) from eighty to one hundred feet high, and a little istance above, a smaller cliff called "Le Petit Ecor a Fabri," (the Little Cliff of Fabri.) These cliffs appear chiefly to be composed of ash-colored sand, with a stratum of clay at the base, such as runs all along under the banks of this river. Above these cliffs are several rapids; the current is swifter, and denotes their ascent into a higher country. The water becomes clear, and equal to any in its very agreeable taste, and as drinking water. In the river are immense beds of gravel and sand, over which the water passes with great velocity in the season of its floods, carrying with it vast quantities of drift wood, which it piles up, in many places, to the height of twenty feet above the present surface, pointing out the difficulty and danger of navigation in certain times of the flood; accidents, however, are rare with the canoes of the country.

As the party ascended, they found the banks of the river less elevated, being only from nine to twelve feet, and are probably surmounted by the freshes some feet. The river becomes more obstructed by rapids, and sand and gravel beaches, among which are found fragments of stone of all forms, and a variety of colors, some highly polished and rounded by friction. The banks of the river in this upper country suffer greatly by abrasion, one side and sometimes both being broken down by every flood.

At a place called "Auges d'Arclon," (Arclon's troughs) is laminated iron ore, and a stratum of black sand, very tenacious, shining with minute crystals. The breadth of the river is here about eighty yards: in some places, however, it is enlarged by islands, in others, contracted to eighty or one hundred feet. Rocks of a greyish color, and rather friable, are here found in many places on the river.* On the banks grow willows of a different form from those found below, and on the margin of the Mississippi; the last are very brittle; these, on the contrary, are extremely pliant, resembling the osier, of which they are probably a species.

At noon on the 24th, they arrived at the confluence of the lesser Missouri with the Washita; the former is a considerable branch, perhaps the fourth of the Washita, and comes in from the left hand. The hunters often ascend the Little Missouri, but are not inclined to penetrate far up, because it reaches near the great plains or prairies upon the Red river, visited by the lesser Osage tribes of Indians, settled on Arkansa; these last frequently carry war into the Chadadoquis tribe settled on the Red river, about west, south-west from this place, and indeed they are reported not to spare any nation or people. They are prevented from visiting the head waters of the Washita by the steep hills in which they rise. These mountains are so difficult to travel over, that the savages not having an object sufficiently desirable, never attempt to penetrate to this river, and it is supposed to be unknown to the nation. The Cadadoquis (or Cadaux, as the French pronounce the word) may be considered as Spanish Indians;

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* The banks rise into hills of freestone of a very sharp and fine grit, fit for grindstones. The strata irregular, inclining from 20° to 30° down the river.

they boast, and it is said with truth, that they never have imbrued their hands in the blood of a white man. It is said that the stream of the Little Missouri, some distance from its mouth, flows over a bright splendid bed of mineral of a yellowish white color, (most probably martial pyrites;) that thirty years ago, several of the inhabitants, hunters, worked upon this mine, and sent a quantity of the ore to the Government at New Orleans, and they were prohibited from working any more.

There is a great sameness in the appearance of the river banks; the islands are skirted with osier, and immediately within, on the bank, grows a range of birch trees and some willows; the most elevated banks are covered with cane, among which grows the oak, maple, elm, sycamore, ash, hickory, dogwood, holly, ironwood, &c. From the pilot they learned that there is a body of excellent land on the Little Missouri, particularly on the creek called the "Bayau a terre noire," which falls into it. This land extends to Red river, and is connected with the great prairies which form the hunting grounds of the Cadaux nation, consisting of about two hundred warriors. They are warlike, but frequenly unable to defend themselves against the tribe of Osages, settled on the Arcansa river, who passing around the mountains at the head of the Washita, and along the prairies, which separate them from the main chain on the west, where the waters of the Red and Arcansa rivers have their rise, pass into the Cadaux country, and rob and plunder them.

The water in the river Washita rising, the party are enabled to pass the numerous rapids and shoals which they meet with in the upper country; some of which are difficult of ascent. The general height of the main banks of the river is from six to twelve feet above the level of the water; the land is better in quality, the canes, &c., showinga more luxuriant vegetation. It is subject to inundation, and shows a brown soil mixed with sand. Near Cache Maçon (Maison's hiding place) on the right, they stopped to examine a supposed coal mine: Doctor Hunter, and the pilot, set out for this purpose, and at about a mile and a half northwest from the boat, in the bed of a creek,* they found a substance similar to what they had before met with under that name, though more advanced towards a state of perfect coal.

At the bottom of the creek, in a place then dry, was found detached pieces of from fifty to one hundred pounds weight, adjoining to which lay wood changing into the same substance. A stratum of this coal, six inches thick, lay on both sides of this little creek, over another of yellow clay, and covered by one foot of gravel; on the gravel is eight inches of loam, which bears a few inches of vegetable mould. This stratum of coal is about three feet higher than the water in the creek, and appears manifestly to have been, at some period, the surface of the ground. The gravel and loam have been deposited there since, by the waters. Some pieces of this coal were very black and solid, of an homogeneous appearance, much resembling pit coal, but of less specific gravity. It does not appear sufficiently impregnated with bitumen, but may be considered as vegetable matter in the progress of transmutation to coal.

Below the "Bayau de l'eau Froide," which runs into the Washita from the right, the river is one hundred and seventy yards, flowing through tolerably good land. They passed a beautiful forest of pines, and on the 28th fell in with an old Dutch hunter and his party, consisting in all of five persons.

This man has resided forty years on the Washita, and before that period, has been up the Arcansa river, the White river, and the river St. Francis; the two last, he informs, are of difficult navigation, similar to the Washita, but the Arkansa river is of great magnitude, having a large and broad channel, and when the water is low, has great sand banks, like those in the Mississippi. So far as he has been up it the navigation is safe and commodious, without impediments from rocks, shoals, or rapids; its bed being formed of mud and sand. The soil on it is of the first rate quality. The country is easy of access, being lofty open forests, unembarassed by canes or under growth. The water is disagreeable to drink, being of a red color and brackish when the river is low. A multitude of creeks which flow into the Arkansa furnish sweet water, which the voyager is obliged to carry with him for the supply of his immediate wants. This man confirms the accounts of silver being abundant up that river: he has not been so high as to see it himself, but says he received a silver pin from a hunter, who assured him that he himself collected the virgin silver from the rock, out of which he made the epinglete by hammering it out. The tribe of the Osages live higher up than this position, but the hunters rarely go so high, being afraid of these savages, who are at war with all the world, and destroy all strangers they meet with. It is reported that the Arkansa nation, with a part of the Choctaws, Chickasaws, Shawnese, &c., have formed a league, and are actually gone, or going, eight hundred strong, against these depredators, with a view to destroy or drive them entirely off, and possess themselves of their fine prairies, which are most abundant hunting grounds, being plentifully stocked with buffalo, elk, deer, bear, and every other beast of the chase common to those latitude in America. This hunter having given information of a small spring in their vicinity, from which he frequently supplied himself by evaporating th water, Doctor Hunter, with a party, accompanie him, on the morning of the 29th November, t the place. They found a saline, about a mile an a half north of the camp from whence they se out, and near a creek which enters the Washit a little above. It is situated in the bottom c the bed of a dry gully. The surrounding land i rich, and well timbered, but subject to inundation except an Indian mount on the creek side, having a base of eighty or a hundred feet diameter, and twenty feet high. After digging about three fee through blue clay, they came to a quicksand, from which the water flowed in abundance: its taste was salt and bitter, resembling that of water in the ocean. In a second hole it required them to dig six feet before they reached the quicksand, in doing which they threw up several broken pieces of Indian pottery. The specific gravity, compared with the river, was, from the first pit, or that three feet deep, 102.720, from the second pit, or that six feet deep, 102.104, yielding a saline mass, from the evaporation of ten quarts, which, when dry, weighed eight ounces: this brine is, therefore, about the same strength as that of the ocean on our coast, twice the strength of the licks in Kentucky called Bullet's lick, and Mann's lick, from which so much salt is made.

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* Called Coalmine creek.

The "fourche de Cadaux" (Cadadoquis fork) which they passed on the morning of the 30th, is about one hundred yards wide at its entrance into the Washita, from the left: immediately beyond which, on the same side, the land is high, probably elevated three hundred feet above the water. The shoals and rapids here impede their progress. At noon they deduced their latitude, by observation, to be 30° 11′ 37″ N. Receiving information of another salt lick, or saline, Doctor Hunter anded, with a party, to view it. The pit was ound in a low flat place, subject to be overflowed rom the river; it was wet and muddy, the earth n the surface yellow, but on digging through bout four feet of blue clay, the salt water oozed rom a quicksand. Ten quarts of this water proluced, by evaporation, six ounces of a saline mass, vhich, from taste, was principally marine salt; to he taste, however, it showed an admixture of oda, and muriated magnesia, but the marine salt reatly preponderated. The specific gravity was bout 1.076, probably weakened from the rain vhich had fallen the day before. The ascent of ne river becomes more troublesome, from the apids and currents, particularly at the "isle du ayau des Roches," (Rocky creek island,) where required great exertions, and was attended with ome hazard to pass them. This island is three urths of a mile in length. The river presents series of shoals, rapids, and small cataracts; and ey passed several points of high land, full of cks and stones, much harder and more solid an they had yet met with.

The rocks were all silicious, with their fissures netrated by sparry matter. Indications of iron ere frequent, and fragments of poor ore were mmon, but no rich ore of that, or any other etal, was found. Some of the hills appear well apted to the cultivation of the vine; the soil ing a sandy loam, with a considerable proporon of gravel, and a superficial covering of good getable black earth. The natural productions e, several varieties of oak, pine, dogwood, holly, :., with a scattering undergrowth of whortlerry, hawthorn, china briar, and a variety of all vines.

Above the Isle de Mallon, the country wears other aspect, high lands and rocks frequently proach the river. The rocks, in grain, resem- free stone, and are hard enough to be used as hand mill-stones, to which purpose they are frequently applied. The quality of the land improves, the stratum of vegetable earth being from six to twelve inches, of dark brown color, with an admixture of loam and sand. Below Deer Island they passed a stratum of free stone, fifty feet thick, under which is a quarry of imperfect slate in perpendicular layers. About a league from the river, and a little above the slate quarry, is a considerable plain, called, "Prairie de Champignole," often frequented by buffalo. Some salt licks are found near it, and in many situations on both sides of this river, there are said to be salines which may hereafter be rendered very productive, and from which the future settlements may be abundantly supplied.

About four miles below the "chuttes," (falls,) they, from a good observation, found the latitude 34° 21′ 25″.5. The land on either hand continues to improve in quality, with a sufficient stratum of dark earth of a brownish color. Hills frequently rise out of the level country, full of rocks and stones, hard and flinty, and often resembling Turkey oil stones. Of this kind was a promontory which came in from the right hand, a little below the chuttes; at a distance it presented the appearance of ruined buildings and fortifications, and several insulated masses of rock conveyed the idea of redoubts and out-works. This effect was heightened by the rising of a flock of swans which had taken their station in the water, at the foot of these walls. As the voyagers approached, the birds floated about majestically on the glassy surface of the water, and, in tremulous accents, seemed to consult upon means of safety. The whole was a sublime picture. In the afternoon of the third of December, they reached the chuttes, and found the falls to be occasioned by a chain of rocks of the same hard substance seen below, extending in the direction of northeast and southwest, quite across the river. The water passes through a number of branches worn by the impetuosity of the torrent where it forms so many cascades. The chain of rock or hill on the left, appears to have been cut down to its present level by the abrasion of the waters. By great exertion, and lightening the boat, they passed the chuttes this evening, and encamped just above the cataracts, and within the hearing of their incessant roar.

Immediately above the chuttes, the current of the water is slow, to another ledge of hard free stone; the reach between is spacious, not less than two hundred yards wide, and terminated by a hill three hundred feet high, covered with beautiful pines: this is a fine situation for building. In latitude 34° 25′ 48″ they passed a very dangerous rapid, from the number of rocks which obstruct the passage of the water, and break it into foam. On the right of the rapid is a rocky hill, covered with very handsome pine woods. The strata of the rock has an inclination of thirty degrees to the horizon, in the direction of the river, descending. This hill may be three hundred or three hundred and fifty feet high; a border or list of green cane skirts the margin of the river, beyond which generally rises a high, and sometimes a barren hill. Near another rapid they passed a hill on the left, containing a large body of blue slate. A small distance above the Bayau de Saline they had to pass a rapid of one hundred and fifty yards in length, and four feet and a half fall, which, from its velocity, the French have denominated "La Cascade." Below the cascade there are rocky hills, on both sides, composed of very hard freestone. The stone in the bed of the river, and which has been rolled from the upper country, was of the hardest flint, or of a quality resembling the Turkey oil stone. "Fourche au Tigree," (Tiger's creek,) which comes in from the right, a little above the cascade, is said to have many extensive tracts of rich level land upon it. The rocky hills here frequently approach the Washita on both sides; rich bottoms are, nevertheless, unfrequent, and the upland is sometimes of moderate elevation and tolerably level. The stones and rocks here met with have their fissures filled by sparry and crystaline matter.

Wild turkeys become more abundant and less difficult of approach than below; and the howl of the wolves is heard during the night.

To the "Fourche of Calfat," (Caulker's creek,) where the voyage terminates, they found level and good land on the right, and high hills on the left hand. After passing over a precipitous rapid, seemingly divided into four steps or falls, one of which was at least fifteen inches in perpendicular height, and which together could not be less than five and a half feet, they arrived at Ellis's camp, a small distance below the Fourche au Calfat, where they stopped on the sixth of December, as the pilot considered it the most convenient landing from whence to carry the necessary baggage to the Hot springs, the distance being about three leagues. There is a creek about two leagues higher up, called "Bayau des Sources Chauds, (Hot springs creek,) upon the banks of which the hot springs are situated at about two leagues from its mouth. The banks of it are hilly, and the road less eligible than from Ellis's camp.

On ascending the hill, to encamp, they found the land very level and good, some plants in flower, and a great many evergreen vines; the forest oak with an admixture of other woods. The latitude of this place is 34° 27′ 31″.5. The ground on which they encamped was about fifty feet above the water in the river, and supposed to be thirty feet higher than the inundations. Hills of considerable height, and clothed with pine, were in view, but the land around, and extending beyond their view, lies handsomely for cultivation. The superstratum is of a blackish-brown color, upon a yellow basis, the whole intermixed with gravel and blue schistus, frequently so far decomposed as to have a strong aluminous taste. From their camp on the Washita, to the hot springs, a distance of about nine miles, the first six miles of the road is in a westerly direction without many sinuosities, and the remainder northwardly, which courses are necessary to avoid some very steep hills. In this distance they found three principal salt licks, and some inferior ones, which are all frequented by buffalo, deer, &c. The soil around them is a white, tenacious clay, probably fit for potters' ware; hence the name of "glaise," which the French hunters have bestowed upon most of the licks, frequented by the beasts of the forest, many of which exhibit no saline impregnation. The first two miles from the river camp is over level land of the second rate quality; the timber chiefly oak, intermixed with other trees, common to the climate, and a few scattering pines. Further on, the lands, on either hand, rise into gently swelling hills, covered with handsome pine woods. The road passes along a valley frequently wet by the numerous rills and springs of excellent water, which issue from the foot of the hills. Near the hot springs the hills become more elevated, steeper of ascent, and rocky. They are here called mountains, although none of them in view exceed four or five hundred feet in altitude. It is said that mountains of more than five times the elevation of these hills are to be seen in the northwest, toward the sources of the Washita. One of them is called the Glass, Crystal, or Shining mountain, from the vast number of hexagonal prisms of very transparent and colorless crystal which are found on its surface; they are generally surmounted by pyramids at one end, rarely on both. These crystals do not produce a double refraction of the rays of light. Many searches have been made over these mountains for the precious metals, but, it is believed, without success.

At the hot springs they found an open log cabin, and a few huts of split boards, all calculated for Summer encampment, and which had been erected by persons resorting to the springs for the recovery of their health.

They slightly repaired these huts, or cabins, for their accommodation during the time of their detention at the springs, for the purpose of examining them and the surrounding country; and making such astronomical observations as were necessary for ascertaining their geographical position.

It is understood that the hot springs are included within a grant of some hundred acres, granted by the late Spanish commandant of the Washita, to some of his friends, but it is not believed that a regular patent was ever issued for the place; and it cannot be asserted that residence, with improvement here, form a plea to claim the land upon.

On their arrival, they immediately tasted the waters of the hot springs; that is, after a few minutes cooling, for it was impossible to approach it with the lips when first taken up, withou scalding: the taste does not differ from that of good water rendered hot by culinary fire.

On the 10th, they visited all the hot springs They issue on the east side of the valley, where the huts are, except one spring, which rises on the west bank of the creek, from the sides and foot o a hill. From the small quantity of calcareou matter yet deposited, the western spring does no appear to be of long standing: a natural condui probably passes under the bed of the creek, an supplies it. There are four principal springs ris ing immediately on the east bank of the creek, one of which may be rather said to spring out of the gravel bed of the run; a fifth, a smaller one than that above-mentioned, as rising on the west side of the creek; and a sixth, of the same magnitude, the most northerly, and rising near the bank of the creek: these are all the sources that merit the name of springs, near the huts; but there is a considerable one below, and all along, at intervals, the warm water oozes out, or drops from the bank into the creek, as appears from the condensed vapor floating along the margin of the creek, where the drippings occur.

The hill from which the hot springs issue is of a conical form, terminating at the top with a few loose fragments of rock, covering a space of twenty-five feet in diameter. Although the figure of the hill is conical it is not entirely insulated, but connected with the neighboring hills by a very narrow ridge. The primitive rock of this hill, above the base, is principally silicious, some part of it being of the hardest flint, others a free stone extremely compact and solid, and of various colors. The base of the hill, and for a considerable extent, is composed of a blackish blue schistus, which divides into perpendicular lamina-like blue slate. The water of the hot springs is, therefore, delivered from the silicious rock, generally invisible at the surface, from the mass of calcareous matter with which it is incrusted, or rather buried, and which is perpetually precipitating from the water of the springs: a small proportion of iron, in the form of a red calx, is also deposited; the color of which is frequently distinguishable in the lime.

In ascending the hill several patches of rich black earth are found, which appear to be formed by the decomposition of the calcareous matter: in other situations the superficial earth is penetrated or incrusted by limestone, with fine lamina, or minute fragments of iron ore.

The water of the hot springs must formerly have issued at a greater elevation in the hill, and run over the surface, having formed a mass of calcareous rock one hundred feet perpendicular, by its deposition. In this situation they found a spring, whose temperature was 140° of Fahrenheit's thermometer. After passing the calcareous region, they found the primitive hill, covered by a forest of not very large trees, consisting chiefly of oak, pine, cedar, holly, hawthorn, and others, common to the climate, with a great variety of vines, some said to produce black, and others yellow grapes, both excellent in their kinds. The soil is rocky, interspersed with gravel, sand, and fine vegetable mould. On reaching the height of two hundred feet perpendicular, a considerable change in the soil was observable; it was stony and gravelly, with a superficial coat of black earth, but immediately under it lies a stratum of fat, tenacious, soapy, red clay, inclining to the color of bright Spanish snuff, homogeneous, with scarcely any admixture of sand, not saline, but rather a soft agreeable taste: the timber diminishes, and the rocks increase in size to the summit. The whole height is estimated at three hundred feet above the level of the valley.

On examining the four principal springs, or those which yield the greatest quantity of water, or of the highest temperature, No. 1 was found to raise the mercury to 150°, No. 2 to 154°, No. 3 to 136°, and No. 4, to 132° of Fahrenheit's thermometer: the last is on the west side of the creek: No. 3 is a small basin, in which there is a considerable quantity of green matter, having much the appearance of a vegetable body, but detached from the bottom, yet connected with it by something like a stem, which rests in calcareous matter. The body of one of these pseudo plants was from four to five inches in diameter; the bottom a smooth film of some tenacity, and the upper surface divided into ascending fibres of half or three-fourths of an inch long, resembling the gills of fish, in transverse rows. A little further on was another small muddy basin, in which the water was warm to the finger: in it was a vermes about half an inch long, moving with a serpentine or vermicular motion. It was invariably observed, that the green matter forming on the stones and leaves covered a stratum of calcareous earth, sometimes a little hard, or brittle, at others soft and imperfect. From the bottom of one of the hot springs a frequent ebullition of gas was observed, which, not having the means of collecting, they could not ascertain its nature; it was not inflammable, and there is little doubt of its being carbonic acid, from the quantity of lime and the iron held in solution by the water.

They made the following rough estimate of the quantity of water delivered by the springs. There are four principal springs, two of inferior note; one rising out of the gravel, and a number of drippings and drainings, all issuing from the margin, or from under the rock which overhangs the creek. Of the four first mentioned, three deliver nearly equal quantities, but No. 1, the most considerable, delivers about five times as much as one of the other three; the two of inferior note, may, together, be equal to one; and all the droppings, and small springs, are probably underrated at double the quantity of one of the three; that is, all together, they will deliver a quantity equal to eleven times the water issuing from the one most commodiously situated for measurement. This spring filled a vessel of eleven quarts in eleven seconds, hence the whole quantity of hot water delivered from the springs at the base of the hill is one hundred and sixty-five gallons in a minute, or three hundred seventy-one and a half hogsheads in twenty-four hours, which is equal to a handsome brook, and might work an overshot mill. In cool weather condensed vapor is seen rising out of the gravel bed of the creek, from springs which cannot be taken into account. During the Summer and Fall the creek receives little or no water but what is supplied by the hot springs: at that season, itself is a hot bath, too hot, indeed, near the springs; so that a person may choose the temperature most agreeable to himself, by selecting a natural basin near to, or farther from, the principal springs. At three or four miles below the springs the water is tepid and unpleasant to drink.

From the western mountain, estimated to be of equal height with that from which the hot springs flow, there are several fine prospects. The valley of the Washita, comprehended between the hills on either side, seemed a perfect flat, and about twelve miles wide. On all hands were seen the hills, or mountains, as they are here called, rising behind each other. In the direction of north, the most distant were estimated to be fifty miles off, and are supposed to be those of the Arkansas river, or the rugged mountains, which divide the waters of the Arkansas from those of the Washita, and prevent the Osage Indians from visiting the latter, of whom they are supposed ignorant; otherwise their excursions here would prevent this place from being visited by white persons, or other Indians. In a southwest direction, at about forty miles distance, is seen a perfectly level ridge, supposed to be the high prairies of the Red river.

Notwithstanding the severity of the weather, a considerable number, and some variety of plants were in flower, and others retained their verdure: indeed the ridge was more temperate than the valley below; there it was cold, damp, and penetrating; here dry, and the atmosphere mild. Of the plants growing here was a species of cabbage; the plants grow with expanded leaves, spreading on the ground, of a deep green, with a shade of purple: the taste of the cabbage was plainly predominant, with an agreeable warmth inclining to that of the radish; several tap-roots penetrated into the soil, of a white color, having the taste of horse-radish, but much milder. A quantity of them taken to the camp and dressed, proved palatable and mild. It is not probable that cabbage seed has been scattered on this ridge; the hunters ascending this river have always had different objects. Until further elucidation, this cabbage must be considered as indigenous to this sequestered quarter, and may be denominated the cabbage radish of the Washita. They found a plant, then green, called by the French "racing rouge," (red root,) which is said to be a specific in female obstructions; it has also been used, combined with the china root, to dye red, the last probably acting as a mordant. The top of this ridge is covered with rocks of a flinty kind, and so very hard as to be improper for gun-flints, for when applied to that use it soon digs cavities in the hammer of the lock. This hard stone is generally white, but frequently clouded with red, brown, black, and other colors. Here and there fragments of iron stone were met with, and where a tree had been overturned, its roots brought to view fragments of schistus, which were suffering decomposition from exposure to the atmosphere. On digging where the slope of the hill was precipitous, they found the second stratum to be a reddish clay, resembling that found on the conical hill, east of the camp. At two-thirds down the hill, the rock was a hard freestone, intermixed with fragments of flint, which had probably rolled from above. Still lower was found a blue schistus, in a state tending to decomposition where exposed to the atmosphere but hard and resembling coarse slate in the interior. Many stones had the appearance of Turkey oil stones: at the foot of the hill it expands into good farming lands.

Dr. Hunter, upon examining the waters of the hot springs, obtained the following results:

It differed nothing from the hot water in smell or taste, but caused a slight eructation shortly after drinking it.

Its specific gravity is equal to rain or distilled water.

It gave to litamus paper, a slight degree of redness, evincing the presence of the carbonic acid, or fixed air sulphuric, and threw down a few detached particles. Oxylat of ammoniac caused a deposition and white cloud, showing the presence of a small portion of lime. Prusiat of potash produced a slight and scarcely perceptible tinge of blue, designating the presence of a small quantity of iron.

Sixteen pounds of water evaporated to dryness left ten grains of a gray powder, which proved to be lime.

The myrtle wax tree grows in the vicinity of the springs. At the season in which the voyagers were there, the wax was no longer green, but had changed its colour to a grayish-white, from its long exposure to the weather. The berry when examined by a microscope, is less than the smallest garden pea, approaching to an oval in form. The nucleus, or real seed, is the size of the seed of a radish, and is covered with a number of kidney shaped glands, of a brown color and sweet taste; these glands secrete the wax which completely envelopes them, and, at this season, gives the appearance of an imperfectly white berry. This is a valuable plant and merits attention; its favorite position is a dry soil, rather poor, and looking down upon the water. It is well adapted to ornament the margins of canals, lakes, or rivulets. The cassina yapon, is equally beautiful, and proper for the same purpose: it grows here along the banks of this stony creek, intermingled with the myrtle, and bears a beautiful little red berry, very much resembling the red currant.

The rock through which the hot springs either pass or trickle over, appears undermined by the waters of the creek. The hot water is continually depositing calcareous, and, perhaps, some silicious matter, forming new rocks, always augmenting and projecting their promontories over the running water of the creek, which prevents its formation below the surface. Wherever this calcareous crust is seen spreading over the bank and margin of the creek, there, most certainly, the hot water will be found, either running over the surface, or through some channel, perhaps below the new rock, or dripping from the edges of the overhanging precipice. The progress of nature in the formation of this new rock is curious, and worthy the attention of the mineralogist. When the hot water issues from the fountain, it frequently spreads over a superficies of some extent; so far as it reaches, on either hand, there is a decomposition of, or growth of green matter. Several lamina of this green matter will be found lying over each other, and immediately under, and in contact with the inferior lamina; which is not thicker than paper, is found a whitish substance resembling a coagulum; when viewed with a microscope, this last is also found to consist of several, sometimes a good number of lamina, of which that next the green is the finest and thinnest, being the last formed; those below increasing in thickness and tenacity until the last terminates in a soft earthy matter, which reposes in the more solid rock. Each lamina of the coagulum is penetrated in all its parts by calcareous grains, extremely minute, and divided in the more recent web, but much larger and occupying the whole of the inferior lamina. The understratum is continually consolidating, and adding bulk and height to the rock.

When this acquires such an elevation as to stop the passage of the water, it finds another course over the rock, hill, or margin of the creek; forming in turn, accumulations of matter over the whole of the adjacent space. When the water has found itself a new channel, the green matter, which sometimes acquires a thickness of half an inch, is speedily converted into a rich vegetable earth, and becomes the food of plants. The surface of the calcareous rock also decomposes and forms the richest black mould intimately mixed with a considerable portion of soil; plants and trees vegetate luxuriantly upon it.

On examining a piece of ground upon which the snow dissolved as it fell, and which was covered with herbage, they found, in some places, a calcareous crust on the surface; but in general a depth of from five inches to a foot of the richest black mould. The surface was sensibly warm to the touch. In the air the mercury in the thermometer stood at 44°; when placed four inches under the surface, and covered with earth, it rose rapidly to 68°; and upon the calcareous rock, eight inches beneath the surface, it rose to 80° This result was uniform over the whole surface, which was about a quarter of an acre.

On searching they found a spring, about fifteen inches under the surface, in the water of which the thermometer showed a temperature of 130°. Beneath the black mould was found a brown mixture of lime and silex, very loose and divisible, apparently in a state of decomposition, and progressing towards the formation of black mould; under this brownish mass it became gradually whiter and harder, to the depth of from six to twelve inches, where it was a calcareous sparkling stone. It was evident that the water had passed over this place, and formed a flat superfices of silicious lime stone; and that its position, nearly level, had facilitated the accumulation of earth, in proportion as the decomposition advanced. Similar spots of ground were found higher up the hill, resembling little savannas, near which hot springs were always discovered, which had once flowed over them. It appears probable that the hot water of the springs, at an early period, had all issued from its grand reservoir in the hill, at a much greater elevation than at present. The calcareous crust may be traced up, in most situations on the west side of the hill looking down the creek and valley, to a certain height, perhaps one hundred feet perpendicular; in this region the hill rises precipitously, and is studded with hard silicious stones; below, the descent is more gradual, and the soil a calcareous black earth. It is easy to discriminate the primitive hill from that which has accumulated, by precipitation, from the water of the springs; this last is entirely confined to the west side of the hill, and washed at its base by the creek, no hot spring being visible in any other part of its circumference. By actual measurement along the base of the hill the influence of the springs is found to extend seventy perches, in a direction a little to the east of north: along the whole of this space the springs have deposited stony matter, calcareous, with an addition of silex, or crystallized lime. The accumulation of calcareous matter is more considerable at the north end of the hill than the south; the first may be above a hundred feet perpendicular, but sloping much more gradually than the primitive hill above, until it approaches the creek, where not unfrequently it terminates in a precipice of from six to twenty feet. The difference between the primitive and secondary hill is so striking that a superficial observer must notice it: the first is regularly very steep, and studded with rock and stone of the hardest flint, and other silicious compounds, and a superfices of two or three inches of good mould covers a red clay; below, on the secondary hill, which carries evident marks of recent formation, no flint, or silicious stone, is found; the calcareous rock conceals all from view, and is, itself, frequently covered by much fine rich earth. It would seem that this compound, precipitated from the hot waters, yield easily to the influence of the atmosphere; for where the waters cease to flow over any portion of the rock, it speedily decomposes; probably more rapidly from the heat communicated from the interior of the hill, as insulated masses of the rock are observed to remain without change.

The cedar, and wax myrtle, and the cassina yapon, all evergreens, attach themselves particularly to the calcareous region, and seem to grow and thrive even in the clefts of the solid rock.

A spring, enjoying a freedom of position, proceeds with great regularity in depositing the matter it holds in solution; the border or rim of its basin forms an elevated ridge, from whence proceeds a glacis all around, where the waters have flowed for some time over one part of the brim; this becomes more elevated, and the water has to seek a passage where there is less resistance; thus forming, in miniature, a crater, resembling in shape the conical summit of a volcano. The hill being steep above, the progress of petrifaction is stopped on that side, and the waters continue to flow and spread abroad, incrusting the whole face of the hill below. The last formed calcareous border of the circular basin is soft, and easily divided; at a small depth it is more compact; and at the depth of six inches it is generally hard white stone. If the bottom of the basin is stirred up, a quantity of the red calx of iron rises, and escapes over the summit of the crater.

Visitants to the hot springs having observed shrubs and trees with their roots in the hot water, have been induced to try experiments, by sticking branches of trees in the run of hot water. Some branches of the wax myrtle were found thrust into the bottom of a spring run, the water of which was 130° by Fahrenheit's thermometer; the foliage and fruit of the branch were not only sound and healthy, but at the surface of the water roots were actually sprouting from it: on pulling it up the part which had penetrated the hot mud was found decayed.

The green substance discoverable at the bottom of the hot springs, and which at first sight has the appearance of plush, on examination, by the microscope, was found to be a vegetable production. A film of green matter spreads itself on the calcareous base, from which rises fibres more than half an inch in length, forming a beautiful vegetation. Before the microscope, it sparkled with innumerable nodules of lime, some part of which was beautifully crystallized. This circumstance might cause a doubt of its being a true vegetable, but its great resemblance to some of the mosses, particularly the byssi, and the discovery which Mr. Dunbar made, of its being the residence of animal life, confirmed his belief in its being a true moss. After a diligent search, he discovered a very minute shell-fish of the bivalve kind, inhabiting this moss; its shape nearly that of the fresh water muscle; the color of the shell a grayish brown, with spots of a purplish color. When the animal is undisturbed, it opens the shell, and thrusts out four legs, very transparent, and articulated like those of a quadruped. The extremities of the fore legs are very slender and sharp, but those of the hind legs are somewhat broader, apparently armed with minute toes. From the extremity of each shell issues three or four forked hairs, which the animal seems to possess the power of moving. The fore legs are probably formed for making incisions into the moss, for the purpose of procuring access to the juices of the living plant, upon which, no doubt, it feeds. It may be provided with a proboscis, although it did not appear while the animal was under examination. The hind legs are well adapted for propelling it in its progress over the moss, or through the water.

It would be desirable to ascertain the cause of that perpetual fire which keeps up the high temperature of so many springs as flow from this hill, at a considerable distance from each other. Upon looking around, however, sufficient data for the solution of the difficulty is not discoverable. Nothing of a volcanic nature is to be seen in this country; neither could they learn that any evidence in favor of such a supposition was to be found in the mountains connected with this river. An immense bed of dark blue schistus appears to form the base of the hot spring hill, and of all those in its neighborhood. The bottom of the creek is formed of it, and pieces are frequently met with rendered soft by decomposition, and possessing a strong alumnious taste, requiring nothing but lixiviation and crystallization to complete the manufacture of alum. As bodies undergoing chemical changes generally produce an alteration of temperature, the heat of these springs may be owing to the disengagement of caloric, or the decomposition of the schistus. Another, and perhaps a more satisfactory cause may be assigned. It is well known that, within the circle of the waters of this river, vast beds of martial pyrites exist. They have not yet, however, been discovered in the vicinage of the hot springs, but may, nevertheless, form immense beds under the bases of these hills; and as, in one place at least there is evidence of the presence of bitumen,* the union of these agents will, in the progress of decomposition, by the admission of air and moisture, produce degrees of heat capable of supporting the phenomena of the hot springs. No sulphuric acid is present in this water. The springs may be supplied by the vapor of heated water ascending from caverns where the heat is generated, or the heat may be immediately applied to the bottom of an immense natural caldron of rock, contained in the bowels of the hill, from which, as a reservoir, the springs may be supplied.

A series of accurate observations determined the latitude of the hot springs to be 34° 31′ 4″ .16 north, and longitude 6*h.* 11′ 25″, or 92° 50′ 45″ west from the meridian of Greenwich.

While Mr. Dunbar was making arrangements for transporting the baggage back to the river camp, Doctor Hunter, with a small party, went on an excursion into the country. He left the hot springs on the morning of the 27th, and after travelling, sometimes over hills and steep craggy mountains with narrow valleys between them, then up the valleys, and generally by the side of a branch emptying into the Washita, they reached the main branch of the Calfat in the evening, about twelve miles from the springs. The stones they met with during the first part of the day, were silicious, of a whitish gray, with flints, white, cream-colored, red, &c. The beds of the rivulets, and often a considerable way up the hills, showed immense bodies of schistus, both blue and gray, some of it efflorescing, and tasting strongly of alum. The latter part of the day, they travelled over and between hills of black, hard, and compact flint, in shapeless masses, with schistus, as before. On ascending these high grounds, you distinctly perceive the commencement of the piney region, beginning at the height of sixty or seventy feet, and extending to the top. The soil in these narrow valleys is thin, and full of stones. The next day, which was stormy, they reached a branch of the Bayou de Saline, which stretches towards the Arkansa, and empties into the Washita many leagues below, having gone about twelve miles. The mountains they had passed being of the primitive kind, which seldom produce metals, and having hitherto seen nothing of a mineral kind, a little poor iron ore excepted, and the face of the country, as far as they could see, presenting the same aspect, they returned to the camp at the hot springs, on the evening of the thirtieth, by another route, in which they met with nothing worthy of notice.

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* Having thrust a stick down into the crater of one of the springs, at some distance up the hill, several drops of petroleum, or naptha, rose and spread upon the surface. It ceased to rise at three or four attempts.

In consequence of the rains which had fallen, Mr. Dunbar, and those who were transporting the baggage to the river camp, found the road watery. The soil on the flat lands, under the stratum of vegetable mould, is yellowish, and consists of decomposed schistus, of which there are immense beds in every stage of dissolution, from the hard stone, recently uncovered and partially decomposed, to the yellow, and apparently homogeneous earth. The covering of vegetable earth between the hills and the river is, in most places, sufficiently thick to constitute a good soil, being from four to six inches, and it is the opinion of the people upon the Washita, that wheat will grow here to great perfection. Although the higher hills, three hundred to six hundred feet in height, are very rocky, yet the inferior hills, and the sloping bases of the first, are generally covered with a soil of middling quality. The natural productions are sufficiently luxuriant, consisting chiefly of black and red oak, intermixed with a variety of other woods, and a considerable undergrowth. Even on these rocky hills are three or four species of vines, said to produce annually an abundance of excellent grapes. A great variety of plants which grow here, some of which, in their season, are said to produce flowers highly ornamental, would probably reward the researches of the botanist.

On the morning of the 8th January, 1805, the party left Ellis's, on the river camp, where they had been detained for several days, waiting for such a rise in the waters of the river, as would carry their boat in safety over the numerous rapids below. A rise of about six feet, which had taken place the evening before, determined them to move this morning, and they passed the *chuttes* about one o'clock. They stopped to examine the rocky promontory below these falls, and took some specimens of the stone which so much resembles the Turkey oil stone. It appears too hard.

The strata of this chain were observed to run perpendicularly, nearly east and west, crossed by fissures, at right angles, from five to eight feet apart; the lamina from one-fourth of an inch to five inches in thickness. About a league below, they landed at Whetstone Hill, and took several specimens. This projecting hill is a mass of grayish blue schistus, of considerable hardness, and about twenty feet perpendicular, (not regularly so,) and from a quarter to two inches in thickness, but does not split with an even surface.

They landed again on the morning of the 9th, in sight of the Bayau de la Prairie de Champignole, to examine and take specimens of some free stone and blue slate. The slate is a blue schistus, hard, brittle, and unfit for the covering of a house; none proper for that purpose have been discovered, except on the Calfat, which Dr. Hunter met with in one of his excursions.

On the evening of the tenth they encamped near Arclon's Troughs, having been only three days in descending the distance which took them thirteen to ascend. They stopped some time at the camp of a Mr. Le Fevre. He is an intelligent man, a native of the Illinois, but now residing at the Arkansas. He came here with some Delaware and other Indians, whom he had fitted out with goods, and receives their peltry, fur, &c. at a stipulated price, as it is brought in by the hunters. Mr. Le Fevre possesses considerable knowledge of the interior of the country; he confirms the accounts before obtained, that the hills or mountains which give rise to this little river are in a manner insulated: that is, they are entirely shut in, enclosed by the immense plains or prairies which extend beyond the Red river, to the south, and beyond the Missouri, or at least some of its branches, to the north, and range along the eastern base of the great chain or dividing ridge, commonly known by the name of the sand hills, which separate the waters of the Mississippi from those which fall into the Pacific ocean. The breadth of this great plain is not well ascertained. It is said by some to be at certain parts, or in certain directions, not less than two hundred leagues; but it is agreed by all who have a knowledge of the western country, that the mean breadth is at least two-thirds of that distance. A branch of the Missouri called the river Platte, or Shallow river, is said to take its rise so far south as to derive its first waters from the neighborhood of the sources of the Red and Arkansa river. By the expression plains or prairies in this place, is not to be understood a dead flat, resembling certain savannas, whose soil is stiff and impenetrable, often under water, and bearing only a coarse grass resembling reeds; very different are the western prairies, which expression signifies only a country without timber. These prairies are neither flat nor hilly, but undulating into gentle swelling lawns, and expanding into spacious valleys, in the centre of which is always found a little timber growing on the banks of the brooks and rivulets of the finest waters. The whole of those prairies are represented to be composed of the richest and most fertile soil; the most luxuriant and succulent herbage covers the surface of the earth, interspersed with millions of flowers and flowering shrubs, of the most ornamental kinds. Those who have viewed only a skirt of the prairies, speak of them with enthusiasm, as if it was only there that nature was to be found truly perfect; they declare, that the fertility and beauty of the rising grounds, the extreme richness of the vales, the coolness and excellent quality of the water found in every valley, the salubrity of the atmosphere, and above all, the grandeur of the enchanting landscape which this country presents, inspire the soul with sensations not to be felt in any other region of the globe. This paradise is now very thinly inhabited by a few tribes of savages, and by the immense herds of wild cattle, (bison) which people these countries. The cattle perform regular migrations, according to the seasons, from south to north, and from the plains to the mountains; and in due time, taught by their instincts, take a retrograde direction. These tribes move in the rear of the herds, and pick up stragglers, and such as lag behind, which they kill with the bow and arrow, for their subsistence. This country is not subjected to those sudden deluges of rain which in most hot countries, and even in the Mississippi Territory, tear up and sweep away with irresistible fury. the crop and soil together; on the contrary, rain is said to become more rare in proportion as the great chain of mountain is approached; and it would seem that within the sphere of the attraction of those elevated ridges, little or no rain falls on the adjoining plains. This relation is the more credible, as in that respect our new country may resemble other flat or comparatively low countries, similarly situated; such as the country lying between the Andes and the western Pacific; the plains are supplied with nightly dews so extremely abundant, as to have the effect of refreshing showers of rain; and the spacious valleys, which are extremely level, may with facility be watered by the rills and brooks which are never absent from these situations. Such is the description of the better known country lying to the south of Red river, from Nacogdoches towards St. Antonio, in the province of Taxus: the crops are said to be procured there without rain; but agriculture in that quarter is at a low ebb; the small quantities of maize furnished by the country, is said to be raised without cultivation. A rude opening is made in the earth, sufficient to deposit the grain, at the distance of four or five feet, in irregular squares, and the rest is left to nature. The soil is tender, spongy and rich, and seems always to retain humidity sufficient, with the bounteous dews of heaven, to bring the crops to maturity.

The Red and Arkansas rivers, whose courses are very long, pass through portions of this fine country. They are both navigable to an unknown distance by boats of proper construction; the Arkansas river is, however, understood to have greatly the advantage with respect to the facility of navigation. Some difficult places are met with in the Red river below the Nakitosh, after which it is good for one hundred and fifty leagues (probably computed leagues of the country, about two miles each;) there the voyager meets with a very serious obstacle, the commencement of the "raft," as it is called; that is, a natural covering which conceals the whole river for an extent of seventeen leagues, continually augmenting by the drift-wood brought down by every considerable fresh. This covering, which, for a considerable time was only drift-wood, now supports a vegetation of everything abounding in the forest, not excepting trees of a considerable size; and the river may be frequently passed without any knowledge of its existence. It is is said that the annual inundation is opening for itself a new passage through the low grounds near the hills; but it must be long before nature, unaided, will excavate a passage sufficient for the waters of Red river. About fifty leagues above this natural bridge, is the residence of the Cadeaux or Cadadoquies nation, whose good qualities are already mentioned. The inhabitants estimate the post of Nakitosh to be half way between New Orleans and the Cadeaux nation. Above this point the navigation of Red river is said to be embarrassed by many rapids, falls and shallows. The Arkansas river is said to present a safe, agreeable and uninterrupted navigation as high as it is known. The lands on each side are of the best quality, and well watered with springs, brooks, and rivulets, affording many situations for mill-seats. From description it would seem that along this river there is a regular gradation of hill and dale, presenting their extremities to the river; the hills are gently swelling eminences, and the dales, spacious valleys with living water meandering through them; the forests consist of handsome trees, chiefly what is called open woods. The quality of the land is supposed superior to that on Red river, until it ascends to the prairie country, where the lands on both rivers are probably similar. About two hundred leagues up the Arkansas is an interesting place called the Salt prairie; there is a considerable fork of the river there, and a kind of savanna where the salt water is continually oozing out and spreading over the surface of a plain. During the dry summer season the salt may be raked up in large heaps; a natural crust of a hand's breadth in thickness is formed at this season. This place is not often frequented, on account of the danger from the Osage Indians; much less dare the white hunters venture to ascend higher, where it is generally believed that silver is to be found. It is further said, that high up the Arkansas river salt is found in form of a solid rock, and may be dug out with the crow-bar. The waters of the Arkansas, like those of Red river, are not potable during the dry season, being both charged highly with a reddish earth or mould, and extremely brackish. This inconvenience is not greatly felt upon the Arkansas, where springs and brooks of fresh water are frequent; the Red river is understood not to be so highly favored. Every account seems to prove that immense natural magazines of salt must exist in the great chain of mountains to the westward; as all the rivers in the summer season, which flow from them, are strongly impregnated with that mineral, and are only rendered palatable after receiving the numerous streams of fresh water which join them in their course. The great western prairies, besides the herds of wild cattle, (bison, commonly called buffalo,) are also stocked with vast numbers of wild goat (not resembling the domestic goat) extremely swift footed. As the description given of this goat is not perfect, it may from its swiftness prove to be the antelope, or it possibly may be a goat which has escaped from the Spanish settlements of New Mexico. A Canadian, who had been much with the Indians to the westward, speaks of a wool-bearing animal larger than a sheep. the wool much mixed with hair, which he had seen in large flocks. He pretends also to have seen a unicorn, the single horn of which, he says, rises out of the forehead and curls back, conveying the idea of the fossil cornu ammonis. This man says he has travelled beyond the great dividing ridge so far as to have seen a large river flowing to the westward. The great dividing mountain is so lofty that it requires two days to ascend from the base to its top; other ranges of inferior mountains lie before and behind it; they are all rocky and sandy. Large lakes and valleys lie between the mountains. Some of the lakes are so large as to contain considerable islands; and rivers flow from some of them. Great numbers of fossil bones, of very large dimensions, are seen among the mountains, which the Canadian supposes to be the elephant. He does not pretend to have seen any of the precious metals, but has seen a mineral which he supposes might yield copper. From the top of the high mountain the view is bounded by a curve as upon the ocean, and extends over the most beautiful prairies, which seem to be unbounded, particularly towards the east. The finest of the lands he has seen are on the Missouri; no other can compare in richness and fertility with them. This Canadian, as well as Le Fevre, speak of the Osages of the tribe of Whitehairs, as lawless and unprincipled: and the other Indian tribes hold them in abhorrence as a barbarous and uncivilized race: and the different nations who hunt in their neighborhood, have their concerting plans for their destruction. On the morning of the 11th, the party passed the Petit Ecor a Fabri. The osier which grows on the beaches above, is not seen below upon this river; and here they began to meet with the small tree called "charnier" which grows only on the water side, and is met with all the way down the Washita. The latitude of 33° 40′ seems the northern boundary of the one, and the southern boundary of the other of those vegetables. Having noticed the limit set to the long moss, (Telandsia,) on the ascent of the river, in latitude 33°, Mr. Dunbar made inquiry of Mr. Le Fevre, as to its existence on the Arcansa settlement, which is known to lie in about the same parallel; he said, that its growth is limited about ten miles south of the settlement, and that as remarkably, as if a line had been drawn east and west for the purpose; as it ceases all at once, and not by degrees. Hence it appears, that nature has marked with a distinguishing feature, the line established by Congress, between the Orleans and Louisiana Territories. The cypress is not found on the Washita higher than thirty-four degrees of north latitude.

In ascending the river, they found their rate of going to exceed that of the current about six miles and a half in twenty-four hours; and that, on the 12th, they had passed the apex of the tide or wave, occasioned by the fresh, and were descending along an inclined plane. As they encamped at night, they found themselves in deeper water the next morning, and on a more elevated part of the inclined plane than they had been in the preceding evening, from the progress of the apex of the tide during their repose.

At noon, on the 16th, they reached the post of the Washita.

Mr. Dunbar being anxious to reach the Natchez as early as possible, and being unable to procure horses at the post, took a canoe, with one soldier and his own domestic, to push down to the Catahoola, from whence, to Concord, there is a road of thirty miles across the low grounds. He set off early on the morning of the 20th, and at night reached the settlement of an old hunter, with whom he had conversed on his way up the river. This man informed him, that at the place called the Mine, on the Little Missouri, there is a smoke which ascends perpetually from a particular place, and that the vapor is sometimes insupportable. The river, or a branch of it, passes over a bed of mineral, which, from the description given, is, no doubt, martial pyrites. In a creek, or branch of the Fourche a' Luke,* there is found on the beaches and in the cliffs, a great number of globular bodies; some as large, or larger, than a man's head, which, when broken, exhibit the appearance of gold, silver, and precious stones; most probably pyrites and chrystallized spar. And at the Fourche des Glaises a' Paul, (higher up the river than Fourche a' Luke,) near the river there is a cliff full of hexagonal prisms, terminated by pyramids, which appear to grow out of the rock; they are from six to eight inches in length, and some of them are an inch in diameter. There are beds of pyrites found in several small creeks communicating with the Washita, but it appears that the mineral indications are greatest on the Little Missouri, because, as before noted, some of the hunters actually worked on them, and sent a parcel of the ore to New Orleans. It is the belief here, that the mineral contains precious metal, but that the Spanish Government did not choose a mine should be opened so near to the British settlements. An express prohibition was issued against working these mines.

At this place Mr. Dunbar obtained one or two slips of the "*bois d'arc,*" (bow wood, or yellow wood,) from the Missouri. The fruit, which had fallen before maturity, lay upon the ground. Some were of the size of a small orange, with a rind full of tubercles; the color, though it appeared faded, still retained a resemblance to pale gold.

The tree in its native soil, when laden with its golden fruit, (nearly as large as the egg of an ostrich,) presents a most splendid appearance; its foliage is of a deep green, resembling the varnished leaf of the orange tree, and, upon the whole, no forest tree can compare with it in ornamental grandeur. The bark of the young tree resembles in texture the dogwood bark; the appearance of the wood recommends it for trial as an article which may yield a yellow dye. It is deciduous; the branches are numerous, and full of short thorns or prickles, which seem to point it out as proper for hedges or live fences. This tree is known to exist near the Nakitosh (perhaps in latitude 32°,) and upon the river Arcansa, high up (perhaps in latitude 36°;) it is therefore probable that it may thrive from latitude 38° to 40° and will be a great acquisition to the United States if it possess no other merit than that of being ornamental.

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* Three leagues above Ellis's Camp.

In descending the river, both Mr. Dunbar and Dr. Hunter searched for the place said to yield gypsum, or plaster of Paris, but failed. The former gentleman states, that he has no doubt of its existence, having noted two places where it has been found; one of which is the first hill, or high land which touches the river on the west, above the bayau Calumet, and the other is the second high land on the same side. As these are two points of the same continued ridge, it is probable that an immense body of gypsum will be found in the bowels of the hills where they meet, and perhaps extending far beyond them.

On the evening of the 22d Mr. Dunbar arrived at the Catahoola, where a Frenchman of the name of Hebrard, who keeps the ferry across Black river, is settled. Here the road from the Washita forks, one branch of it leading to the settlement on Red river, and the other up to the post on the Washita. The proprietor of this place has been a hunter and a great traveller up the Washita and into the western country: he confirms generally the accounts received from others. It appears, from what they say, that in the neighborhood of the hot springs, but higher up, among the mountains, and upon the Little Missouri, during the summer season, explosions are very frequently heard, proceeding from under the ground: and not rarely a curious phenomenon is seen, which is termed the blowing of the mountains; it is confined elastic gas forcing a passage through the side or top of a hill, driving before it a great quantity of earth and mineral matter. During the winter season the explosions and blowing of the mountains entirely ceases, from whence we may conclude, that the cause is comparatively superficial, being brought into action by the increased heat of the more direct rays of the summer sun.

The confluence of the Washita, Catahoola, and Tenza, is an interesting place. The last of these communicates with the Mississippi low lands, by the intervention of other creeks and lakes, and by one in particular, called "Bayau d'Argent," which empties into the Mississippi, about fourteen miles above Natchez. During high water there is a navigation for batteaux of any burden along the bayau. A large lake, called St. John's lake, occupies a considerable part of the passage between the Mississippi and the Tenza; it is in a horse-shoe form, and has, at some former period, been the bed of the Mississippi: the nearest part of it is about one mile removed from the river at the present time. This lake, possessing elevated banks, similar to those of the river, has been lately occupied and improved. The Catahoola bayau is the third navigable stream: during the time of the inundation there is an excellent communication by the lake of that name, and from thence, by large creeks, to Red river. The country around the point of union of these three rivers is altogether alluvial, but the place of Mr. Hebrard's residence is no longer subject to inundation. There is no doubt, that as the country augments in population and riches, this place will become the site of a commercial inland town, which will keep pace with the progress and prosperity of the country. One of the Indian mounts here is of a considerable elevation, with a species of rampart surrounding a large space, which was, no doubt, the position of a fortified town.

While here, Mr. Dunbar met with an American who pretended to have been up the Arkansas river three hundred leagues. The navigation of this river, he says, is good to that distance for boats drawing three or four feet water. Implicit faith, perhaps, ought not to be given to his relation respecting the quantity of silver he pretends to have collected there. He says he has found silver on the Washita, thirty leagues above the hot springs, so rich that three pounds of it yielded one pound of silver, and that this was found in a cave. He asserts, also, that the ore of the mine upon the Little Missouri was carried to Kentucky by a person of the name of Boon, where it was found to yield largely in silver. This man says he has been up the Red river likewise, and that there is a great rapid just below the raft, or natural bridge, and several others above it; that the Caddo nation is about fifty leagues above the raft, and near to their village commences the country of the great prairies, which extend four or five hundred miles to the west of the sand mountains, as they are termed. These great plains reach far beyond the Red river to the south, and northward over the Arkansas river, and among the numerous branches of the Missouri. He confirms the account of the beauty and fertility of the Western country.

On the morning of the 25th, Mr. Dunbar set out, on horseback, from the Catahoola to Natchez. The rain which had fallen on the preceding days rendered the roads wet and muddy, and it was two in the afternoon before he reached the Bayau Crocodile, which is considered half way between the Black river and the Mississippi. It is one of the numerous creeks in the low grounds which assist in venting the waters of the inundation. On the margins of the water courses the lands are highest, and produce canes; they fall off, in the rear, into cypress swamps and lakes. The waters of the Mississippi were rising, and it was with some difficulty that they reached a house near Concord that evening. This settlement was begun since the cession of Louisiana to the United States, by citizens of the Mississippi Territory, who have established their residence altogether upon newly acquired lands, taken up under the authority of the Spanish commandant, and have gone to the expense of improvement either in the names of themselves or others, before the 20th of December, 1803, hoping thereby to hold their new possessions under the sanction of the law.

Exclusive of the few actual residents on the banks of the Mississippi, there are two handsome lakes in the interior, on the banks of which similar settlements have been made. He crossed at the ferry, and at midday of the 26th reached his own house.

Dr. Hunter and the remainder of the party followed Mr. Dunbar down the Washita, with the boat in which they ascended the river, and, ascending the Mississippi, reached St. Catharine's landing on the morning of the 31st January, 1805.

Common names of some of the trees, shrubs, and plants, growing in the vicinity of the Washita.

Three kinds of white oak, four kinds of red oak, black oak, three kinds of hickory, one of which has an oblong nut, white and good, chinquepin, three kinds of ash, one of which is the prickly, three kinds of elm, two kinds of maple, two kinds of pine, red cedar, sweet gum, black gum, linden, two kinds of iron wood, growing on high and low lands, sycamore, box elder, holly, sweet bay, laurel, magnolia accuminata, black walnut, filbert, buckeye, dogwood, three kinds of locust, the three thorned and honey locust, hazle, beech, wild plum, the fruit red, but not good, bois d'arc, (bow wood,) called also bois jaune, (yellow wood,) a famous yellow dye, three kinds of hawthorn, with berries, red, scarlet, and black, lote tree, for Indian arrows, bois de carbane, a small growth, and proper for hoops, two kinds of osier, myrtle tooth ache tree, and magnolia.

A vine, bearing large, good black grapes in bunches, black grape, hill grape, yellow grape, muscadine, or fox grape, and a variety of other vines. The saw briar, single rose briar, and china root briar, wild gooseberry, with a dark red fruit, three kinds of whortle berry, wild pomegranate, passion flower, two sorts of sumach, winter's berry, winter's green, and a small red farinaceous berry like a haw, on a plant one inch high, which grows under the snow, and is eaten by the Indians, the silk plant, wild endive, wild olive, pink root, snake root, wild mint of three kinds, coloquintida, (bitter apple,) growing along the river side, clover, sheeps' clover, life everlasting, wild liquorice, marygold, mistletoe, thistle, wild hemp, bulrush, dittany, white and red poppy, yellow jessamine, poke, fern, capillaire, honeysuckle, mosses, petu to make ropes with, wormwood, hops, ipecacuanha, persicaria, Indian turnip, wild carrot, wild onion, ginger, wild cabbage, and bastard indigo.

Expedition of Lewis and Clarke.

Meteorological observations made by Mr. Dunbar and Dr. Hunter, in their voyage up the Red and Washita rivers, in the year 1804.

Time of observation.	Thermometer.				Wind.	Weather and Meteorological phenomena, &c.
Day of the month.	Sun's rise.	3 P. M.	8 P. M.	In river water.		
1804.						
October 20	40°	80°	°	73°		
October 21	60	83	–	–	S. S. E.	Light clouds.
October 22	65	79	–	–	S. S. E.	Cloudy.
October 23	67	73				
October 24	54	68	–	71	N. NNW.	Cloudy in morning; evening clear.
October 25	49	60	–	68	North.	Cloudy morn; clear evening.
October 26	40	70	–	65	N. W.	Light clouds.
October 27	32	73	–	64	North.	Hoar frost; fog on river; clear above.
October 28	40	73	56	63		
October 29	41	85	62	62	NW. SW.	Fog on river.
October 30	47	83	60	60	W. N. W.	Fog on river; clear above.
October 31	44	84	–	62	NNW.	Ditto, ditto.
November 1	48	85	64	62	–	Calm and clear above.
November 2	48	84	78	62	S. S. E.	
November 3	52	86	72	64	–	Some light clouds.
November 4	54	83	63	64	–	Clear.
November 5	52	68	58	62	N. W.	Heavy fog and damp air.
November 6	45	79	–	64	West.	Heavy fog.
November 7	52	80	67	64	–	Clear. Lat. 32° 29′ N.
November 8	53	61	56	58	–	Cloudy. A disagreeable, damp day.
November 9	42	72	–	61	–	Cloudy, damp, and cold.
November 10	40	72	34	58	–	Clear and calm.
November 11	24	–	–	53	–	Ditto ditto.
November 12	36	–	54	54	–	Clear and calm; cloudy in evening.
November 13	33	66	62	55	South.	Fog on river; calm; evening cloudy.
November 14	44	58	44	55	–	Clear and calm.
November 15	38	60	50	54	–	Clear and calm.
November 16	38	51	42	54	North.	Morning calm; afternoon, cloudy, damp, and disagreeable.
November 17	40	41	44	54	–	Calm; fog on river. Lat. 33° 13′ N.
November 18	32	–	57	52	–	Serene morning; cloudy evening.
November 19	54	67	62	54	–	Cloudy; calm.
November 20	59	62	54	54	–	Cloudy; calm.
November 21	43	72	58	54	–	Calm; a little fog.
November 22	40	68				
November 23	48	72	54	54	–	Light clouds; calm.
November 24	48	72	59	54	–	Light clouds; calm.
November 25	–	–	–	–	–	Rainy.
November 26	50	68	62	57	–	Clear.
November 27	54	71	66	58	–	Cloudy.
November 28	68	78	73	60	–	Cloudy; calm.
November 29	72	76	52	62	South.	Cloudy and strong wind; rain 9 A. M.; clear at noon.
November 30	32	57	–	63	–	Cloudy and calm.
December 1	32	58	35	54	–	Clear and calm.
December 2	30	59	38	50	–	Clear and calm.
December 3	38	59	44	48	–	Clear and calm.
December 4	36	50	36	48	–	Clear and calm.
December 5	23	56	38	47	–	Serene and calm.
December 6	45	67	56	48	S. W.	Cloudy; light wind.
December 7	38	50	24	47	N. W.	Cloudy. Lat. 34° 27′ 31′.
December 8	10	47	–	43	N. W.	High wind; very serene.
December 9	19	52	28	41	N. W.	Very serene; wind moderate.
December 10	26	50	28	–	N. W.	Very serene; wind moderate. Lat. 34° 31″ N. at Hot Springs.
December 11	48	59	50	–	S. E.	Cloudy, damp, and penetrating.
December 12	36	44	32	–	North.	Cloudy, damp, and disagreeable.
December 13	26	40	30	–	North.	Cloudy, dark, and disagreeable.

METEOROLOGICAL OBSERVATIONS—Continued.

Time of observation.		Thermometer.				Wind.	Weather and Meteorological phenomena, &c.
Day of the month.		Sun's rise.	3 P. M.	8 P. M.	In river water.		
1804.							
December	14	28°	40°	32°	°	N. E.	Cloudy, dark, and cold, with sleet.
December	15	26	32	30	–	N. W.	Wind strong; cloudy.
December	16	21	32	22	–	N. W.	Wind moderate.
December	17	26	42	28	–	N. W.	Wind moderate; bright morn; fine day; rain in the night.
December	18	34	36	32	–	North.	Cold and damp; dark and cloudy; rain at noon; hail and snow in evening.
December	19	30	30	23	–	West.	Snowing. Ground covered 4 inch. with snow.
December	20	30	36	32	–	West.	Light driving clouds from N. W.
December	21	32	–	31	–	North.	Cloudy and damp; snow on ground.
December	22	31	36	34	–	North.	Dark and cloudy; rain early in the day; snow in evening.
December	23	30	40	33	–	N. W.	Clouds begin to dissipate.
December	24	32	45	34	–	N. W.	Wind moderate.
December	25	34	50	44	–	N. W.	Cloudy.
December	26	34	50	34	–	N. W.	Clear and windy.
December	27	26	45	38	–	N. E.	Clear and cold.
December	28	34	32	30	–	S. W.	Cloudy in morning; snow in afternoon.
December	29	25	–	24	–	N. W.	Strong wind; stormy afternoon; calm night.
December	30	9	38	21	36	N. W.	High wind; last night very cold.
December	31	29	32	–	36	S. E.	Snow. Lat. 34° 28′ N.
1805.							
January	1	26	32	18	–	–	Snow.
January	2	6	45	32	32	–	Calm.
January	3	22	48	30	34	N. W.	Wind moderate.
January	4	22	50	32	36		
January	5	22	55	28	36	N. W. S. E.	Clear.
January	6	28	50	44	38	–	Cloudy and a little rain.
January	7	64	78	38	44	–	Night cloudy, cold, and moist.
January	8	28	37	37	46	–	Rain in evening and night.
January	9	42	36	24	44	North.	Dark, cloudy, and cold, with hail.
January	10	23	32	19	42	North.	Cold and damp. Lat. 34° N.
January	11	11	32	26	39	–	Fine morning, and very cold.
January	12	20	43	30	40	–	The air damp and penetrating.
January	13	27	53	30	40	N. E.	Morning fine and dry; evening moist.
January	14	23	53	32	40	N. W.	Light wind; atmosphere dry.
January	15	30	63	43	40	S. E.	Cloudy; wind light.
January	16	36	65	60	41	–	At Fort Miro. Lat. 32° 30′ N.
January	17	60	–	–	44	S. W.	Cloudy.
January	18						
January	19	–	58	50	43	S. W.	Clear.
January	20	56	51	40	43	–	Cloudy, and drizzly rain.
January	21	21	36	26	40	East.	Wind variable.
January	22	21	48	40	39	N. E.	Weather raw and cold.
January	23	49	64	54	42	S. E.	Clouds and drizzly raw.
January	24	55	50	46	43	–	Rain. Lat. 30° 37′ N.
January	25	36	40	40	40	–	Windy; cold and raw.
January	26	32	36	33	42	N. E.	Stormy and snow.
January	27	24	50	32	44	East.	Lat. 31° N.
January	28	26	56	40	34	North.	On Mississippi river; clear and moderate.
January	29	34	56	–	33	North.	Fine weather.
January	30	36	65	53	34	N. E.	Raw and cloudy.
January	31	56	–	–	38	S. E.	Cloudy and moderate.

FEES OF OFFICERS OF STATE COURTS.

[Communicated to the Senate, December 28th, 1807.]

DECEMBER 26, 1807.

SIR: In obedience to a resolution of the Senate of the 6th day of February last, I have the honor to enclose tables of fees and compensation paid in all the States composing the Union, except* Virginia and Kentucky, from which I daily expect to receive them. As soon as they are transmitted, they shall be laid before the Senate.

I have the honor to be yours, very respectfully,

C. A. RODNEY.

STATE OF NEW HAMPSHIRE.

Attorneys' Fees.—There shall be allowed in every bill of cost taxed for the plaintiff in the court of common pleas, the case originating there, $1 34; for the writ, including the declaration and attorney's fees, and to the defendant recovering cost in said court, and the party, whether plaintiff or defendant, recovering costs on an appeal from a justice of the peace, there shall be taxed $1 10 for attorney's fees; for the party recovering a bill of cost at the superior court, for attorney's fees, $2; for every complaint entered at the superior court, including drawing the complaint, $1 34; attorney's fee for drawing a writ, triable before a justice of the peace, 50 cents; attorney's fee for pleading for a defendant before a justice of the peace, 50 cents; drawing a complaint for discontinuance of an action before a justice of the peace, 50 cents.

Fees of the Clerk of the Court of Common Pleas.—For every action, petition, or complaint, entered in the court of common pleas, the clerk thereof shall receive 60 cents in full, for entry, verdict, nonsuit, or default, judgment recording and every service relative to such action, petition, or complaint, for which no fees are otherwise particularly prescribed by this act, the said clerk paying thereout the crier and sheriff's fees; for default or nonsuit, said sum, together with 90 cents to the justices, to be paid at the time of entry; for a blank writ and summons, 10 cents; for a writ of protection, 12½ cents; for each execution, 17 cents; for entering satisfaction for a judgment, 6 cents; for entering a continuance, 12½ cents; for each *venire* to be paid out of the county treasury, 4 cents; for every writ of possession, 25 cents; for each writ of subpœna, 10 cents.

Fees of the Clerk of the Superior Court.—For the entry of every action on petition, 67 cents; for entry of a complaint for not prosecuting an appeal, 34 cents; for entering a judgment, and recording it at large, 34 cents; for a writ of review, 50 cents; for a writ of *scire facias*, 50 cents; for a writ of execution, 25 cents; for a writ of possession, 58 cents; for a writ of *habeas corpus*, 34 cents; for entering an appearance, at the request of any party, 10 cents; for entering a satisfaction of a judgment on record, 12½ cents; for entering a continuance, 17 cents; for filing papers, 2 cents each; for certifying the proof of a deed in court, 17 cents; for each *venire* on certificate of the justices of the superior court, 4 cents, to be paid out of the county treasury; for a subpœna, 17 cents, for every recognisance, 17 cents; for every writ of protection, 17 cents; for discharging a recognisance, 17 cents.

Sheriff's Fees.—For the service of a writ of summons, or *scire facias*, either by reading it to the defendant, or leaving a copy, 23 cents for each defendant; for the service of a writ of attachment, with or without summons, 23 cents for each defendant; for a bail bond, to be paid by the person bailed, 17 cents; for the service of a writ of possession, the same as for the service of the original writ on which it was obtained, with poundage for the costs, as in personal actions; for levying executions in personal actions and extents, 2½ cents on the dollar for the first fifty dollars, 2 cents on the dollar for the second fifty dollars, 1 cent on the dollar for all sums from one hundred dollars to three hundred dollars; for all sums above three hundred dollars, a half cent on each dollar; the poundage on extents to be taken in the same paper, bills, notes, orders or certificates as the same extents issued for; for travel, for the service of each writ, execution, or extent, 3 cents per mile; the travel to be computed from the place of service to the office, or court, place, to which the writ is returnable, by the way most commonly used; and where there are several persons in the same writ, execution, or extent, upon whom it is served, the travel shall be computed from the remotest of them, and no more to be allowed for travel than if it were served on the remotest person aforesaid: that no more than fifty miles' travel shall be allowed the sheriff, or other officer, serving any writ, execution, or extent, in any case; the travelling fees and fees of service on the writ in mesne process, and no more shall be allowed, in any case, than is so endorsed; and also the fees for service, poundage, and travel on executions and extents shall be particularly set down and expressed thereon; for summoning witnesses, 17 cents each; for serving a writ of execution for partition of real estate, on a judgment of court, 83 cents per day; and for travel and expenses, 4½ cents per mile; for every trial, 11 cents to be paid, with jurors' fees; for every default, 6 cents; for attending the grand jury, 34 cents per day; for attending the petit jury, 12½ cents each case, to be paid with the jurors' fees; for dispersing *venires*, 4 cents, each to be paid out of the county treasury; for dispersing proclamations, to be paid out of the county treasury, 4 cents each.

Coroners' Fees.—For serving writs the same fee for travel and service as to the sheriff; for every trial where the sheriff is concerned, 11 cents, to be paid with the jury's fees; for taking an inquisition, $1 50; to the foreman of the jury 50 cents; and other jurors 42 cents per day, and 20 cents for every ten miles' travel; to the constable, his expenses in summoning the jury of inquest and attendance, 67 cents per day: all fees attending inquisition on the death of any person shall be paid out of the estate of the deceased, and, in want thereof, by the county treasurer; the same being adjusted and allowed by the court of common pleas.

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*These statements were subsequently received and transmitted to the Senate.

Grand Jurors' Fees.—To the grand jurors, 67 cents per day, to be paid out of the county treasury, and 4 cents per mile for their travel to and from court.

Petit Jurors' Fees.—To the foreman in every cause at the superior court, 50 cents; each other juror, 40 cents; and at the court of common pleas, to the foreman, in each cause, 45 cents; and to each other juror, 40 cents; and each petit juror attending either of the courts aforesaid, shall be paid out of the treasury of the county where said court is holden, 6 cents per mile for his travel to and from court.

Witnesses' Fees.—The witnesses before any justice of the peace, or at any of the courts aforesaid, shall be allowed for each day's attendance, 40 cents; and for every ten miles' travel, out and in, 40 cents; a ferry or toll-bridge to be reckoned as three miles' travel; and in the same proportion for a less number of miles.

By another statute, making compensation to grand and petit jurors, it is enacted, that each petit juror who shall attend the superior court of judicature, and each petit juror who shall attend the court of common pleas, in the several counties in this State, be allowed $1 per day for each day's attendance at such courts, to be paid together with his travelling fees, as by the law, allowed out of the treasury of the county where he may attend; and such fees for attendance shall be in lieu of the fees received for trials by causes; that the fees now allowed by law to petit jurors, for trials of causes, shall be paid to the clerks of the respective courts, who shall pay over the same to the treasurer of the county where such trials are had.

That the same compensation shall be allowed to grand jurors as by this act is allowed to petit jurors, for travel and attendance.

That each talesman empannelled at either of the courts aforesaid shall be entitled to receive 50 cents for the trial of each action, for which he may be empannelled, to be paid out of the treasury of the county where such trial may be had.

STATE OF MASSACHUSETTS.

Table of the fees and compensation of several officers, as regulated and established in the Commonwealth of Massachusetts, by an act of the Legislature passed on the 13th of February, 1796, and (being temporary) continued by another act passed in May, 1798.

Attorney's Fees, under the head of "allowance to parties and witnesses."—The parties recovering costs, for an attorney in all causes where an issue in law or fact is joined in the supreme judicial court, $2 50; and in all other causes in said court, $1 25; and in all causes in the courts of common pleas and courts of general sessions of the peace, where an issue in law or fact is joined, $1 50; and in all other causes in said court, $1; for the declaration in each writ, 50 cents.

Attorney General's Fees.—In a criminal cause where one or more defendants are tried by the jury at the same time in the supreme judicial court, or where the cause is determined by an issue in law, for the attorney general, or person attending for the commonwealth, $2 50; and if there be no trial by the jury, and the cause be not determined by an issue in law, $1 25; and in all other causes in the court of general sessions of the peace, $1 25; drawing an indictment in the supreme judicial court, $1 25; same in the general sessions of the peace, $1 25.

Fees of the Clerk of the Common Pleas.—For the entry of an action, including the taxing the bill of costs and filing the papers, 50 cents; entering and recording a verdict or report of referees, 12 cents; every action withdrawn or nonsuit, 8 cents; confessing judgment or default, or joinder in demurrer, 10 cents; entering up judgment and recording the same at large, when no issue is joined, 20 cents; and where an issue of law or fact is joined, 40 cents; acknowledging satisfaction of a judgment on the record, 8 cents; entering an appeal and recognising principal and surety, 15 cents; continuance of each cause, 12 cents; entering the surrender of a principal into court, and making record thereof, 15 cents; entering a petition and order thereon for the partition or sale of real estate, 20 cents; and recording such petition or order at the rate of 12 cents a page; entering a rule of court upon the parties submitting the cause to referees, 15 cents; proving a deed in court, and certifying the same, 20 cents; every blank writ of attachment with summons, 15 cents; writ of *scire facias*, or original summons, 15 cents; original or alias writs of execution in personal matters, and filing the same when returned, 25 cents; writ of possession in real actions, 40 cents; writ of protection or *habeas corpus*, 25 cents; subpœna for one or more witnesses, 10 cents; *duces tecum*, 25 cents; each *venire facias* for jurymen, 5 cents; opening and filing a deposition, 8 cents.

Clerk of the General Sessions of the Peace.—Entering an indictment, presentment, complaint, or information, including the recording of judgment therein, examining and casting the bill of costs and filing the papers, 65 cents; discharging recognisance, 10 cents; warrant for a criminal, 20 cents; subpœna for one or more witnesses, 10 cents.

Clerk of Sessions.—Each recognisance for an inn-holder or retailer, &c., and recording license, 15 cents; examining and casting the grand jurors' account yearly, and order thereon, 30 cents; examining any other account, 8 cents; recording reports of highways and other matters by order of the court, 12 cents per page; copies of all papers of records, 12 cents a page; entering an appeal and recognising principal and sureties, 20 cents; keeping an account of yearly attendance of the justices of the court of the general sessions, each term 75 cents.

Clerk of the Supreme Judicial Court.—Entry of each action for trial, 70 cents; entry of each complaint, 35 cents; receiving and recording verdict, 40 cents; writ of review, 70 cents; writ of *scire facias*, 40 cents; original writ of execution, including taxing of costs, and filing the papers, 65 cents; alias writ of execution, 35 cents; alias writ of *haberi facias possessionem*, 50 cents; writ of *habeas corpus*, 40 cents; copies of all papers containing less than one page, 10 cents; of all papers containing more than a page, at the rate of 12 cents a page; entering a rule of court, 15 cents; confessing judgment or default, 20 cents; entering an appearance, 10 cents; acknowledging satisfaction of a judgment on record, 12 cents; continuing each cause, and entering the same next term, 20 cents; proving a deed of court and certifying, 20 cents; entering up a judgment and recording the same at large in cases where judgment is rendered on verdict, demurrer, or state of facts, 60 cents; and in all other cases, 30 cents; every action withdrawn or nonsuit, 20 cents; original writ of possession, including taxing, costs, and filing papers, 80 cents; for each *venire facias* for judgment, 6 cents; every writ and seal other than before mentioned, 40 cents; subpœna for one or more witnesses, 10 cents; recognisance, including principal and sureties, 20 cents; recording judgment in every criminal case, 40 cents; writ of protection, 20 cents; entering discharge of recognisance by proclamation, 15 cents; opening and filing a deposition, 10 cents.

Sheriffs and Constables' Fees.—Service of an original summons, 30 cents; and if on more than one defendant, then 30 cents for each; service of *capias* or attachment for each defendant, 30 cents; for special service of the same, at the request of the plaintiff, 60 cents for each defendant on whom such service is made; for each copy left according to law, in order to complete a service, or a copy or precept upon demand thereof, at the rate of 12 cents a page; for a bail bond and writing the same, including principal and sureties, 20 cents; serving a writ of possession, exclusive of fees for collection of costs, $1 10; if on more than one piece of land, 75 cents for each piece of land after the first; fees for collecting costs on a writ of possession, the same as on executions in personal actions; serving a warrant, 30 cents; sheriff's aid in criminal cases to each person for every twelve hours' attendance, including expenses, $1; and so in proportion for a greater or less time, and 4 cents for each mile's travel going out and returning home; summoning witnesses in criminal cases, 10 cents for each witness, and travel as in civil cases, unless in special cases, when the court may increase the fee to what they may judge reasonable; for attending the court and keeping the prisoner in criminal cases, 75 cents for every twelve hours, and so in proportion for a greater or less time; levying execution in personal actions, for the first one hundred dollars, 4 cents; for every dollar above that, and not exceeding two hundred dollars, 2 cents for every dollar; and for all above two hundred dollas, 1 cent for every dollar; travel for the services of such executions, and also of mesne processes or warrants to him directed, 4 cents a mile, the travel to be computed from the place of service to the court or place of return by the usual way; only one travel to be allowed for one writ of execution or warrant, and if the same be served on more than one person, then the travel shall be computed from that place of service which may be most remote from the place of return, with all further necessary travel in serving such execution, writ, or warrant. But if the travel from the place of service to the place of return be more than fifty miles, then only 1 cent per mile shall be allowed for all travel exceeding that distance; serving an execution upon a judgment of court for partition of real estate, or assigning of dower, $1 a day, and 4 cents a mile out from the place of his abode; every trial in a court of record, 15 cents; every default, 8 cents; to the officer attending the grand jury, for each day's attendance, 75 cents; attending the petit jury, for every cause, to be paid with the jury fees, 25 cents; for dispersing *venires* for jurymen, treasurer's warrants, and proclamations of all kinds, 8 cents each; for returning the certificates of votes of the several towns for governor and various other officers, to the secretary's office, 8 cents a mile, computing from the place of his abode to the said office, and but one travel to be allowed for the whole; for every deputy sheriff or constable who shall attend the supreme judicial court or court of general sessions of the peace or common pleas by their order, 75 cents a day; and, for the encouragement of the sheriff to take all possible care for the safe-keeping of prisoners, &c., he shall have such salary allowed him as the justices of the general sessions of the peace within the same county shall order, not exceeding forty dollars a year for the county of Suffolk, nor twenty-five dollars a year for any of the other counties.

Coroner's Fees.—For serving a writ, summons, or execution, and collecting the moneys due thereon, and for travel in returning precepts and inquisitions, the same allowance as is before mentioned for sheriffs for similar services; for a bail bond, 25 cents; for every trial where the sheriff is concerned, 25 cents, and the same for attending the jury therein; granting a warrant, and taking an inquisition on a dead body, $1; if more than one at the same time, and who came to their death by the same means, 20 cents for each one after the first; travel, and expense for taking an inquisition, $1 a day; to each of the jurymen for their travel, if above four miles out, 3 cents a mile each way, and for their services, 75 cents per day, including time and expenses; the constable, for his attendance, and expenses in summoning a jury, 90 cents a day.

Juror's Fees.—Grand jurors and jurors, for trials at each of the courts, 90 cents a day for their attendance, and 4 cents a mile for their travel out and home; and there shall be paid to the clerk of each of the aforementioned courts, $6 for the trial of each civil action, for the use of the county.

Witnesses' Fees.—To witnesses in civil or criminal cases, in all the courts before mentioned, 75 cents for each day's attendance, and four cents a mile for each day's travel going out and returning home; and before a justice of the peace, referees, or arbitrators, 33 cents a day, and for their travel the same as at other courts; provided such witnesses do personally attend said courts, respectively, and certify in writing their time and travel.

Register of Probate's Fees.—Writing a bond and letter of administration, 40 cents; writing a bond and letter of guardianship, and making record thereof, for one minor, 60 cents; and, if for more than one minor, for whom the said guardian is appointed, at the same time, 10 cents for each minor more than one; drawing a decree respecting probate of will or codicil, 40 cents; writing bond for the executor, 20 cents; writing warrant to appraise the deceased's estate, 20 cents; warrant to divide an intestate estate among the heirs, writing a warrant to set off widow's dower, or to examine the claims of an insolvent estate, 20 cents; entering the account of executor, administrator, or guardian, and an allowance thereof, or for entering on an inventory the oath of an executor or administrator, 15 cents; drawing up a decree on settlement or partition of an estate, 20 cents; drawing an order of distribution, 20 cents; a quietus, 20 cents; citation, 15 cents; summons for a witness or witnesses, 10 cents; proportioning an insolvent estate among creditors, at the rate of 50 cents for every twelve creditors, every creditor's proportion being distinguished; recording any matter at the rate of 12 cents for each page, and the same for copy; a bond of appeal 20 cents.

Prothonotary.—No officer known in Massachusetts *eo nomine*.—(See Clerk's Fees.)

Boston, *November* 20, 1806.

The foregoing table of fees and compensation to sundry officers of courts, as established by the existing laws of the Commonwealth of Massachusetts, collected by GEORGE BLAKE,
U. S. Att'y for Mass. Dist.

Besides the fees of the attorney general, as herein before enumerated, he is allowed by law an annual salary of $1,000; to which has been added invariably for many years past an annual grant of $500; so that his salary may be considered, in effect, and is so considered here, $1,500 a year.

GEORGE BLAKE.

STATE OF RHODE ISLAND.

The Attorney General is allowed—For every bill of indictment drawn and found by the grand jury, $1 50; for discharge of every person on bond to the peace, 35 cents; for every cause argued to the court or jury upon an issue joined in law or fact on behalf of the State, in criminal cases, $3; for every day's attendance on the General Assembly and courts, $1.

Other Attorneys are allowed—For a writ and declaration, $1; fee in the court of common pleas, $1; in the supreme judicial court, (one only to be taxed in a bill of cost,) $2.

Clerks of the Supreme Judicial Court are allowed—For the entry of every writ, action, or petition, 25 cents; for filing every reason of appeal, petition, motion, plea, or answer, 4 cents; for every interlocutory judgment, 10 cents; for all copies, for every lawful page, (200 words,) 10 cents; for every action called, 8 cents; for drawing and recording final judgment upon *nihil dicit*, 30 cents; where the general issue is pleaded, 40 cents; and in all cases where there are further pleadings, 58 cents; for swearing every witness, 4 cents; for a writ of execution and the endorsement, 25 cents; for every other writ, 15 cents; for entering a rule of court, 15 cents; for copying rule and writ to referees, 37 cents; for every bond or recognisance taken in court, 20 cents; for filing all other bonds or recognisances, 6 cents; for every bill of indictment found, 8 cents; for reading the same, 8 cents; for entering plea on the same, 8 cents; for drawing and reading sentence, 33 cents; for drawing and recording final judgment upon indictment, 50 cents; for every person summoned, 3 cents; for every paper in a case, 2 cents; for every discontinuance or default, 4 cents; for discharge of every bond or recognisance, 6 cents; for every petition read in court, 6 cents; for recording judgment thereon, 25 cents; for every citation or notification, 25 cents; for searching the records by the hour, 10 cents; for attending the court by the day, 50 cents; for acknowledging satisfaction of judgment upon record, 8 cents; for recording return of partition, $1; for taxing and examining the bill of cost in every case, 12 cents.

The Clerks of the Court of Common Pleas are allowed—For every original writ and seal, 6 cents; for the entry of every action or petition, 13 cents; for drawing and recording final judgment upon *nihil dicit*, 12 cents; where the general issue is pleaded, 20 cents; in all cases where there are further pleadings, 40 cents; for all copies, for every lawful page, (200 words,) 10 cents; for every *nolle prosequi*, discontinuance, nonsuit, *retraxit*, *nihil dicit*, or default, 5 cents; for a writ of execution and the endorsement, 25 cents; for all other writs, other than summons for vouchers, 20 cents; for every writ of summons to warrant, 50 cents; for filing every declaration, plea, reason of appeal, motion, or answer, 4 cents; for every action called, 3 cents; for entering a rule of court, 12 cents, for every interlocutory judgment, 6 cents; for copying rule and writ to referees, 40 cents; for every bond in the clerk's office, 8 cents; and where the attorney becomes bound, the same fee; for every person summoned, 3 cents; for every paper in a case, 2 cents; for searching the records by the hour, 10 cents; for taxing and examining the bill of cost, in every case, 8 cents; for swearing every witness, 3 cents; for entering appearance, 3 cents; for attending the court by the day, 25 cents; for recording every deputation or revocation thereof by the sheriff, 12 cents; for acknowledging satisfaction of judgment upon record, 8 cents; for recording return of partition, $1.

Clerks of the General Sessions of the Peace are allowed—For the entry of every indictment, 12 cents; for drawing and recording final judgment thereon, 50 cents; for filing recognisance, 4 cents; for drawing and filing recognisance, 16 cents; for the discharge of every recognisance, 5 cents; for a warrant of the peace or good behaviour, 12 cents. In all other respects the same as the clerks of the courts of common pleas, excepting that they are not allowed compensation by the day. N. B.—The two offices are always united in the same person.

Clerks of the Courts of Probate are allowed—For entering a *caveat* against the probate of a will, or granting letters of administration, 2 cents; for citation to the parties concerned, 16 cents; for taking bond and granting letters of administration or testamentary, 50 cents; for registering and copying, for every lawful page, (200 words,) 10 cents; for drawing the probate of a will or allowance of an inventory or an account, 10 cents; for searching the record, by the hour, 10 cents.

Sheriffs are allowed—For serving a writ, if not more than a mile from the court-house or place of appearance, 20 cents; if more than a mile, 16 cents; for every mile's travel out beyond a mile and the same back—the travel to be computed from the place to which the writ is returnable—to the defendant's place of abode, 2 cents; for the copy of a writ on warrant, 10 cents; for a bail bond in civil actions, 12 cents; and where bail is taken by endorsement on the writ, the same fee; for committing a prisoner on *mesne* process, 20 cents; for attending a justice's court, by the day, 25 cents; for serving all executions where a party is committed to jail, 70 cents; for serving all executions where the money due thereon is collected, not exceeding four dollars, 30 cents; if above four and not exceeding seven dollars, 40 cents; if above seven and not exceeding twenty dollars, 60 cents; if above twenty and not exceeding thirty dollars, 66 cents; if above thirty and not exceeding sixty dollars, 75 cents; if above sixty and not exceeding one hundred dollars, 90 cents; and for all executions above one hundred dollars, 1 per cent.—none of the lesser sums to be included in the greater; for travelling fees for serving executions, the same as for serving writs; for serving a writ of execution, returnable to any court out of the county where the same is served, the same number of miles' travel as if returnable to a court in the county where served; for serving a summons, if not more than a mile from the court-house or place of appearance, 12 cents; if more than a mile, the same travelling fee as for serving writs; for delivering possession of lands and tenements, while actually employed by the day, $1; for advertising real or personal estate to be sold at auction, 34 cents; for selling at public auction real or personal estate, if under one hundred and fifty dollars, 2 per cent.; if over one hundred and fifty and under three hundred dollars, 1½ per cent.; and for all sums over three hundred dollars, 1 per cent., to be computed on the amount of sales, and none of the lesser sums to be included in the greater; for serving warrants and other criminal processes, the same as for serving writs, unless the court to which such warrant or process is returnable shall make a further allowance for *extra* services; for attending the General Assembly, the supreme judicial court, and court of common pleas, by the day, $1.

Coroners are allowed—For taking every inquisition, $1; besides the above fee, for every day employed therein, $1; each juror, by the day, 50 cents.

Grand Jurors are allowed, each—For attendance by the day, 50 cents.

Petit Jurors are allowed altogether—For every case submitted to them, $5.

Witnesses are allowed—For attendance by the day, 40 cents; for travel by the mile, 4 cents.

Received for transcribing, sixty cents, of David Howell, Esq. AMOS HOPKINS.

STATE OF RHODE ISLAND, &c.,
November 29, 1806.

The preceding [in MS.] six pages are truly extracted from the laws of this State.

Witness, SAMUEL EDDY, *Sec'ry.*

STATE OF CONNECTICUT.

SUFFIELD, *October* 24, 1806.

SIR: Your letter of the 9th August, enclosing a resolution of the Senate of the United States, passed the 17th April, 1806, was received the 24th September. The delay was occasioned by the letter being missent, &c. The officers mentioned in the resolution, and known in our laws, are attorneys-at-law, clerks of judicial courts, sheriffs, grand and petit jurors, and witnesses. The sums actually paid, in many instances, so far exceed the fees authorized and allowed by *statute*, that I have been led to doubt how I should comply with the requirements of the resolution; and especially as the practice of demanding and receiving fees not allowed, or not specified by any statute, is sanctioned by the highest courts of law in the State.

Subjoined are extracts from the table of fees in the court above-mentioned, as fixed by the statute, entitled "An act for regulating salaries and fees."

State Attorney's Fees, not exceeding the following allowances:—For conducting and arguing each criminal case, not capital, before the superior court, on bill found by the grand jury, $9; drawing an indictment or information, $1; for a trial before the superior court in a criminal case on information, or for conducting and arguing a civil cause on behalf of the State, $7; for prosecuting a civil cause when judgment is given on confession or default, in the superior court, $3 34; for a capital trial, $14; in a criminal case on confession before the superior court, $5; in case of a *nolle prosequi* entered, or a return of not a true bill by a grand jury, $3 34; if an assistant attorney is allowed in any trial, not capital, before the superior court, in behalf of the State, his fee shall be $3 34; or, if capital, $7. In prosecutions on behalf of the State, before the county court, the attorney shall be allowed not exceeding two-thirds of the fees allowed for like services in the superior court, or less, at the discretion of the court.

Clerk of Superior Court's Fees.—For entering each action and judgment, 50 cents; filing each deposition, 5 cents; entering each judgment acknowledged, 17 cents; each writ of execution, 25 cents; for copies, each page of twenty-eight lines, ten words in a line, 25 cents.

Clerk of County Court's Fees.—For entering each action, 5 cents; entering each judgment or continuance, 17 cents; signing each writ, 9 cents; taking a recognisance, 9 cents; each writ of execution, 17 cents. For copies, same as clerk of superior court.

Sheriff's Fees.—Serving every summons, 6 cents; if by copy, 9 cents; serving an attachment, 9 cents; bail bond, 17 cents; levying each execution, not exceeding $3.34, 17 cents; and two cents per dollar for every dollar beyond that sum in the same currency with the execution, or equivalent in lawful money; attending the general court or superior court, per day, $1; each mile's travel out, 5 cents; attending the county court, per day, $1 50.

Fees and Commissions allowed the Sheriff, where any person confined in jail on execution for any civil matter is permitted to have the liberties of the prison, the following allowance, and no more.—For every bond, $1; as commissions on any sum not exceeding $360, $225; on any sum not exceeding $750, $3 75; on any sum not exceeding $1,335, $5; on any sum not exceeding $2 400, $7 50; on any sum not exceeding $6,000, $15; on any sum not exceeding $13,350, $25; and on any greater sum than $13,350, three-sixteenths of one per cent.

Grand Jurors' Fees.—Each grand juror, for attending the superior court or county court, per day, 67 cents; travel per mile out, 6 cents.

Petit Jurors at Superior and County Courts.—For trying each action, (50 cents each,) $6; travel out, per mile, 5 cents.

The six dollars paid by the party whose case is tried; the travel paid by the county.

Witnesses.—Each witness in criminal cases, at the suit of the State, for attendance at the superior or county courts per day, 67; travel per mile, —.

The fees mentioned as allowed to attorneys are in cases at the suit of the State; the sums actually paid by suitors are, (that is, the usual fees for arguing a cause in the county court,) from $6 50 to $12; besides a term fee of from $3 to $5, at each term, while the cause is pending; for arguing before superior court, a fee of $5, each term the cause is pending; and for arguing, from $12 to $50, in proportion to importance of the cause.

It is difficult, and perhaps unnecessary, to furnish a correct statement of the actual fees and compensation, claimed and allowed to sheriffs and under-sheriffs; we have a form of action called debts by book, known, perhaps, only in Connecticut; in which the plaintiff declares that the defendant, or claimant, in a plea of debt, that the defendant owes him such a sum by book, which he has not paid, though often demanded, &c., to his damage, &c.; for this kind of action, and also the action on promissory notes, forms of the writ are prescribed by statute, and the statute specifying the sheriff's fees for serving writs of summons and attachments, has long since been construed as extending only to his fees for serving writs, the forms of which are prescribed by statute; these writs are very short; of course, the sheriff, for serving writs in actions of trespass, ejectment, trespass on the case, &c., also bills in chancery, in case he makes service by copy, as he may in all cases, and is bound to, in case he attaches property, he charges for a copy, from one to three dollars; also for his extra trouble procuring bail; as he claims, is reasonable, besides 17 cents for the bail bond; also for collecting, or levying and returning writs of execution; all the different forms whereof, known in the English law, are in commitment reduced to one, and go against the goods, chattels, or lands of the debtor; and, for want thereof, against his body. The sheriff is allowed two travels to the debtor's place of abode, and from thence to the office whence the writ issued; and also for any extra trouble, even if he makes return of *non est inventus;* if he commits the debtor to prison, he calls to his assistance one or two keepers, as he judges the case requires, whose fees and expenses, with his own, in carrying the debtor to jail, he charges on his writ, besides *the commission* allowed for collecting, &c. &c. If a prisoner, in jail on execution, who has the liberties of the prison, breaks his bonds, and the sheriff becomes liable, and is sued, although his bail are sufficient and ultimately save him harmless from the payment, still he charges a fee of from $7 to—, in proportion to the amount of the demand.

With respect to the clerks of the superior court and county courts, both offices are usually held by one person in the same county; the statute fixing their fees is now construed as extending only to the forms of action prescribed as before mentioned by statute, and the general issue is pleaded, in which cases the record may be very short; but in cases where the issue is formed by special pleadings, or special verdicts of a jury, decrees in chancery, &c., the clerk demands and receives for recording a judgment, from 22 cents to $5. Our superior and county courts are, by statute, vested with chancery powers; in this county, the superior and the county courts hold each three terms in a year; on the docket of the superior court at the last term there were 239 actions; at the last term of the county court, there were about 470 causes on their docket.

If the object is correct information as to the actual compensations allowed, the foregoing statements seemed necessary. Such are the practices sanctioned by our courts, with how much propriety or justice I will not say. It should, however, be remarked, that our statute fixing the fee table, as it is called, with but little variation or increase, is much the same as it stood half a century since; but as increasing compensation to officers is unpopular, especially in party times, the men in power withhold that which, under different circumstances, the unbiassed sense of the community would grant: hence the courts have resorted to construction, to obtain that compensation which the Legislature have not as yet allowed by statute. I began to make the extract at the date, but from many circumstances, unforeseen and unavoidable, it is not completed until this time. I hope neither your convenience nor the public business will be incommoded by the delay.

I am, sir, with great respect, your most obedient servant,

HEZ. HUNTINGTON.

Hon. Mr. Breckenridge.

STATE OF VERMONT.

An Act regulating Fees.

Sec. 1. *It is hereby enacted, by the General Assembly of the State of Vermont,* That the fees for the several officers and other persons hereinafter mentioned shall be as follows, viz:

Governor's Fees.—For signing a charter of land, $8; for every other charter or grant by him signed, $3.

Lieutenant Governor's Fees.—For attendance on council per day, $4; travel per mile, each way, 6 cents.

Counsellors' Fees.—For attendance, per day, $1 50; travel per mile, each way, 6 cents.

Representatives' Fees.—For attendance, per day, $1 50; travel per mile, each way, 6 cents; Speaker of the General Assembly, per day, $2 50; travel per mile, each way, 6 cents; clerk of the General Assembly, fees per day, $2 50; travel per mile, each way, 6 cents; engrossing clerk's fees per day, $2 50; travel per mile, each way, 6 cents.

Secretary of State's Fees.—Recording laws, for every hundred words, 7 cents; receiving and filing each petition of a private nature, 11 cents; receiving and filing each petition for grants of land, 17 cents; for drawing, attesting, and registering a charter for lands, $3 34; for copies of laws, petitions, and other papers, for each hundred words, 7 cents; for each citation between party and party, 17 cents; attendance on the General Assembly, per day, $2 50; travel per mile, each way, 6 cents; and there shall be paid to the secretary, for the use of the treasury, on filing each petition between party and party, $4.

Secretary of Council's Fees.—For each military commission, and affixing the seal thereto, he finding blanks, 25 cents; each commission for the judges of the supreme court, 34 cents; each commission for the judges of the county courts, and the probate courts, 34 cents; for justices' commission for each county, 75 cents; every order of council for the benefit of particular persons, 17 cents; affixing the State seal, (military commissions excepted,) 17 cents; attendance on council, per day, $2 50; travel per mile, each way, 6 cents.

Supreme Court's Fees.—Chief judge, while on the circuit, per day, $4 50; each side judge, while on the circuit, per day, $3 67; each motion for arrest of judgment, or new trial for the benefit of the judges, 67 cents; for allowing and signing writs of error, *audita querela*, *habeas corpus*, and taking recognisance for the same, 67 cents; and there shall be paid into the hands of the clerk, for the benefit of the judges, for each action tried, $2 50; and for each nonsuit, default, or confession, $1.

County Court's Fees.—For each action tried, there shall be paid to the clerk for the benefit of the judges, 67 cents; for each abatement, nonsuit, default, or confession, 34 cents; for each license for a tavern keeper, 50 cents; for each entry of an action for the benefit of the judges, 67 cents; the chief judge's share of the above perquisites to be one-quarter more than the side judges'. For allowing and signing *audita querela*, and *habeas corpus*, and taking recognisance in the same, for each judge 50 cents; for each motion in arrest of judgment and new trial, 50 cents.

Judge of Probate's Fees.—For granting administration, 34 cents, if the inventory exceed $166, 50 cents; receiving and approving each will, if the inventory do not exceed $166, 34 cents; if the inventory exceed that sum, 50 cents; allowing accounts, settling and dividing estates, 84 cents; every necessary order or rule, 17 cents; appointment of persons to inventory and appraise, 25 cents; appointing commissioner or commissioners to set off widow's dower, 25 cents; appointing guardians, 34 cents; fees for commissioners appointed on testate or intestate estates, per day, $1; travel per mile, 6 cents; executors and administrators, such sum per day as the judge of probate shall judge reasonable.

Register of Probate's Fees.—Drawing and filing an administration bond, thirty-four cents; drawing each letter of administration, twenty-four cents; drawing probate of will, if the inventory do not exceed $166, 34 cents; if it exceed $166, 42 cents; recording or copying will, codicil, inventory, or other necessary paper, for each hundred words, 8 cents; for every citation, 13 cents; for every quietus or acquittance, 42 cents; making out and registering commission to receive and examine the claims of creditors to insolvent estates, 50 cents; entering an order upon the administrator to pay the debts of the several creditors returned by commissioners, 25 cents; entering every other necessary order or rule, 9 cents; drawing and filing guardian bond, 34 cents.

Justice's Fees.—Drawing a writ, 17 cents; signing a summons, 9 cents; signing an attachment or summons when bond is given, 13 cents; subpœna for each witness, 6 cents; judgment in each action tried, 50 cents; if on verdict of jury, 67 cents; on confession of default, 25 cents; for taking deposition out of court, 34 cents; for citation to appear, 17 cents; each continuance, 17 cents; every warrant for criminals and bond, 34 cents; recognisance, 17 cents; each *venire* for a jury, 25 cents; for every appeal including the recognisance, 25 cents; for taking acknowledgment of deed, 12 cents; for recording execution, and officer's return thereon extended on real estate, which the officer for serving the same shall collect and pay, 75 cents; for issuing a citation to the adverse party on complaint of a prisoner to swear out of jail, 50 cents; for making and signing certificates to prisoners and jailers, each 25 cents; for attending court of jail delivery, 50 cents; for travel per mile each way, 6 cents; making rule of reference between parties, 50 cents; rendering judgment on the report of referees so appointed, 50 cents; for every execution, 25 cents.

Clerks of the Supreme and County Courts'

Fees.—For signing each summons, 9 cents; for signing each summons or attachment when bond is given, 13 cents; for attendance at the supreme court per day, $1; entering each judgment on abatement, nonsuit, default or confession, 25 cents; clerks of the county court for entering each judgment of demurrer or after verdict, 50 cents; clerk of the supreme court for the same, $1; taking each recognisance in court, 17 cents; filing each necessary paper, 6 cents; every appeal or review, 34 cents; every rule or order of court, 9 cents; every continuance in supreme court, 16 cents; every continuance in county court, 8 cents; every execution, including the filing, 25 cents; for recording deputy sheriff's deputation and oath extended on real estate, with the officers' return who collect and pay the same, $1; every license to an innkeeper, 17 cents; for all copies or other services made or done by direction of the court, and not herein before enumerated, such sum or sums as shall be allowed by the courts respectively, according to their length and difficulty.

Attorney's Fees.—For drawing writ, and declaration or note, 17 cents; all other writs such sum as shall be allowed by the courts respectively, according to their length and difficulty.

State Attorney's Fees.—For every indictment or information, $1; if more than one count, such sum as shall be allowed by the court; term fee, $2; for each cause tried, not exceeding $5; copy of the indictment, such sum as shall be allowed by the court.

Sheriffs, Constables, and Collectors' Fees.—Serving every process on each defendant by reading, 6 cents; if by copy, 17 cents; for taking bail, 17 cents; for each mile's travel for the service of all writs and other processes, to be computed from the place of service to the place of return, 6 cents; for levying each execution amounting to three dollars or under, 15 cents; and for each three dollars over, 4 cents; for each day's attendance on appraisement or sale of estate taken in execution, 34 cents; for attending before a justice court when required, 34 cents; for attending freeholder's court, per day, $1; for copy of execution extended on lands, and the return thereof to the office for record, 50 cents; for attendance on the General Assembly or supreme or county court, per day, $1; constables for the like service, $1; collectors of taxes to be allowed the like fees as sheriffs, in cases of execution, when they levy on persons or estate, and one dollar out of each fifty dollars collected and paid into the State or county treasury: *Provided*, That no sheriff, constable, or other officer, shall be entitled to any fees for a return of *non est inventus* on any civil writ or process; sheriff and assistants per day, 67 cents; for half a day, 34 cents; for appraisers of real estate on execution, 67 cents; for half a day, 34 cents.

Parties and Witnesses' Fees in the Supreme and County Courts.—Term fee on abatement, nonsuit, or default, in the first term, $1; term fee in all other cases, $1; and the party recovering shall be allowed for his attorney on nonsuit or default, $1 50; for trial of issue of law or fact, $3; travel for plaintiff or defendant within this State, per mile, 5 cents; witnesses' travel, per mile, 5 cents; attendance per day, 75 cents; in justices' courts, travel for plaintiff or defendant and witnesses per mile, 5 cents; attendance of plaintiff or defendant and witnesses per day, 50 cents; for half a day, 34 cents.

Grand Juror's Fees.—Travel per mile, 6 cents; for each day's attendance on supreme and county courts, 75 cents; for each complaint, 50 cents.

Petit Juror's Fees.—Panel of, for trying each cause before the supreme or county court, $5; for trying each cause before a justice, to be advanced by the party praying the same in a civil action, $1 50; for trying each cause before a freehold court, such sum as shall be allowed by the justices holding the same, according to their travel and attendance.

Town Clerk's Fees.—For recording a common deed poll, including the certificate of filing, to be advanced by the party lodging the same for record, twenty cents; copying of the same twenty cents; and in the same proportion for all other deeds; recording survey bill, 9 cents; recording marriage, birth, or death, four cents; recording each mark, 9 cents; recording execution extended on real estate, with the officer's return thereon, to be collected and paid by the officer serving the same, $1; recording certificate of a religious sentiment, 12 cents.

Proprietor's and other Collector's Fees.—Travel from his dwelling-house to the place of sale, to be equally divided among the delinquent proprietors or land owners, per mile, 6 cents; for drawing and conveying an advertisement to be divided as aforesaid, $1; for attendance and sale of each delinquent proprietor's right, 34 cents; each deed of conveyance, including the acknowledgment, 34 cents; for each receipt for money before sale, 6 cents.

Jailer's Fees.—For commitment of a prisoner, 34 cents; for discharge of a prisoner, 34 cents; diet per week for State prisoners, $1; for the bonds for the liberties of the prison, 34 cents; fees for freeholders summoned to assess damages sustained in laying out highways, per day, 50 cents; for half a day, 33 cents.

Surveyor General's Fees.—Per day, exclusive of expenses, $1 50.

County Surveyor's Fees.—Exclusive of expenses, per day, $1.

Auditor of Account's Fees with the Treasurer.—Per day, $2.

Auditor of Accounts against the State.—While attending the Legislature, travel per mile, each way, 8 cents; attendance per day, $1 50.

Impounder's Fees.—For all horse kind, and neat cattle, per head, 11 cents; sheep per head, two cents; swine, per head, eight cents; three-fourths to the impounder, and the other to the pound keeper.

Notary Public's Fees.—For every protest under seal, $1; for every certificate under seal, 50 cents; for waiting on a person to demand payment, or witness any matter, and certify the same under seal, $1.

SEC. 2. *And it is hereby further enacted,* That the judges of the supreme court of judicature, judges of the county court, judges and registers of probate, justices of the peace, Secretary of State, Secretary of Council, clerk of the General Assembly, clerk of the supreme and county courts, town clerks, notaries public, sheriffs, and all other persons whose duty it may be by law to record any proceedings, or give any copies, attestations, or certificates other than such for which particular fee or fees is, are, or shall be established, shall be allowed seven cents for every hundred words, and for less than a hundred words in the same proportion; and for every certificate on the copy of the whole case, 17 cents; and for any other duty or service done or performed, such sum as shall be in proportion to the fees specifically provided by this or any other act for such officers or persons respectively.

MIDDLEBURG, *Oct.* 15, 1806.

The preceding is a true copy of an act regulating fees by the Legislature of the State of Vermont, the 27th day of October, in the year of our Lord 1798. Compared and examined by me.

THOMAS LEVERETT,
Secretary of State.

Fee for copy, $2.

STATE OF NEW YORK.

An Act regulating the fees of the several officers and ministers of justice within this State, passed April 8, 1806.

Be it enacted by the people of the State of New York, represented in Senate and Assembly, That no officer or other person shall exact, demand, or ask, or be allowed any greater or other fee or reward, for, or in respect of, any service hereafter to be done or performed, than such as is hereinafter specified, that is to say:

In the Court for the trial of Impeachments, and Correction of Errors.

The Clerk's Fees.—For reading and filing the writ, return, and record, 37½ cents; for filing every affidavit or other proceeding, 12½ cents; for entering every rule, 19 cents; for every certified copy of a rule, 19 cents; for entering every appearance, 12½ cents; for entering every judgment or dismission, 25 cents; for entering the judgment and *remittitur* on the roll, for each sheet containing seventy-two words, 12½ cents; for the seal to any record or process, 50 cents; for copies of records, pleadings, and other proceedings, for each sheet containing ninety words, 9 cents; for taxing a bill of costs, 50 cents.

The Crier's Fees.—In each cause, 37½ cents.

In the Court of Chancery.

The Master's Fees.—For every summons, 37½ cents; for copies of all charges and discharges brought in before the master, for each sheet containing ninety words, 9 cents; for scheduling writings, for each sheet of such schedule containing ninety words, 9 cents; for every report in pursuance of an order made upon hearing a cause, $1 25 cents; for every other report made upon petition or motion only, 62½ cents; for taking and drawing the acknowledgment or proof of a deed or mortgage, 37½ cents, (a lease and release to be considered as one deed;) for drawing every report, for each sheet containing ninety words, 12½ cents; for every copy thereof, each sheet as aforesaid, 9 cents; for swearing a defendant to an answer or plea, or swearing a witness, or taking an affidavit, 12½ cents; for signing every exhibit brought before him, 12½ cents; for the caption and writing of every recognisance, 37½ cents; for taxing every bill of costs before a decree, 37½ cents; for taxing a bill of costs after a decree, 75 cents. And all costs of the party plaintiff, including officers' fees, whensoever costs shall be directed to be taxed, shall be taxed in one bill only; and in like manner all the costs of the party defendant, including officers' fees, shall be taxed in one bill only, and only one fee shall be allowed for any such one taxation. And where moneys are ordered by the court to be put out by a master, or where an estate is ordered to be sold by a master, and where the master is ordered to take an account of an estate, or between partners in trade, the chancellor shall make such allowance to the master for the same as he shall judge reasonable.

The Register's Fees.—For drawing all rules and orders, for each sheet containing ninety words, 19 cents; and entering the same, for each sheet, 9 cents; for reading and filing every report, petition, or other paper, 12½ cents; for copies of all rules, orders, reports, affidavits, records, and proceedings, for each sheet containing ninety words, 9 cents; for every certificate, 19 cents; for entering a cause for hearing, 12½ cents; for making or certifying notes for the causes that stand for hearing; for grounding a subpœna to hear judgment; for each cause, 19 cents; for drawing every decree, for each sheet containing ninety words, 19 cents; but no record, writing, report, order, or proceeding, to be inserted therein, *verbatim*, or in *hæc verba*, shall be computed as any part of such draught. For engrossing every decree, including all reports, orders, and other proceedings, records, and writings inserted therein, for each sheet containing ninety words, and including parchment, 12½ cents; for entering every dismission, 50 cents; for examining and signing every decree, and attending the chancellor to get the same signed by him, $1; for searching for any order or decree, for every year in which such search is made, six cents; for entering all attachments and proclamations, 9 cents for each person; for entering every amercement, 19 cents; for entering an appearance upon process of contempt, 12½ cents; for engrossing all depositions, exhibits, records, and pleadings to be exemplified, for each sheet containing ninety words, 9 cents.

The Clerk's Fees.—For sealing every writ, 25 cents; for drawing and engrossing every subpœna or attachment, including parchment, 62½ cents; for drawing all other writs and commissions, when done by him, for every sheet containing ninety words, 19 cents; and engrossing, when done by him, for each sheet, including parchment, 12½ cents; for entering the defendant's appearance and certificate thereof, and serving the same, 25 cents; and if two or more defendants appear at one time, no more than one fee for entering and certifying their appearance shall be allowed; for copies of all bills, answers and other pleadings whatsoever, for each sheet, containing ninety words, six cents; for meeting to settle commissioners, on joining in commission, fifty cents; for every certificate that pleadings are filed, costs of contempt paid, or other matter necessary to be certified, twelve-and-a-half cents; for filing every bill, answer, plea, replication, rejoinder, demurrer, or other pleading, 12½ cents; for entering a rule to answer, reply, or rejoin, or other rule in the rule book, and copy thereof, and serving on the clerk of the opposite party, 25 cents; for entering receipt of rule to answer, reply, or rejoin, or other rule in the rule book, and making and serving a copy of the rule on the solicitor, 25 cents; for searching for any bill, answer, or other pleading, for every year in which such search is made, 6 cents; for attending master with rule book, on taxing costs, 25 cents; for attending court on hearing with the pleadings, whether they are read or not, 50 cents.

The Examiner's Fees.—For taking the examination of every deponent, for each sheet containing ninety words, 25 cents; for making a fair copy of the same on paper for the witness to sign, for each sheet, 12 cents; for certifying every exhibit shown to a witness on his examination, 25 cents; for copies of all depositions, exhibits, and interrogatories, when required, for each sheet containing ninety words, 12 cents; for attending court with depositions and exhibits, $1; for administering an oath, or taking an affidavit, 12 cents and 5 mills.

The Counsel's Fees.—For a retaining fee in each cause, $3 75 cents; but a retaining fee shall not be taxed or allowed to the same person both as counsellor and solicitor in the same cause; for perusing and signing every bill, answer, plea, demurrer, and other special pleadings, interrogatories, and exceptions, if not done by the person acting as solicitor in the same cause, $2 50 cents; for every motion of course before the chancellor, 50 cents; but no motion to be allowed for common process, nor for rules to answer, reply, rejoin, produce, or examine witnesses, or for publication or the like, which are to be issued or entered of course by the clerks; for every special motion, $1 25 cents; for arguing every plea or demurrer, $3 75 cents; for arguing before the master upon exceptions, or other special matter, $2 50 cents; for arguing before the chancellor upon petition or exceptions, $2 50 cents; for arguing upon the final hearing of any cause, $5; but no cost to be taxed for more than one counsel in the same cause.

The Solicitor's Fees.—For a retaining fee in every cause, $2 50 cents; but when the same person acts as solicitor and counsel, no retaining fee to be allowed as solicitor; for drawing every bill, answer, plea, demurrer, replication, rejoinder, interrogatories, exceptions, and other proceedings, for each sheet containing ninety words, 19 cents; but no record, writing, report, order, or proceeding, to be inserted therein, *verbatim*, or *hæc verba*, shall be computed as any part of such draught; for all engrossments, including parchment, 12½ cents for each sheet containing ninety words, computing all records, writings, reports, orders, and proceedings inserted therein, and all copies on paper, 6 cents for each sheet as aforesaid; for attending the chancellor on petition, 50 cents; for attending the court upon hearing upon every argument, $1 25; for attending the register upon drawing decretal order, 50 cents; for attending the chancellor upon every common motion, 50 cents; for attending upon every special motion when argued, 75 cents; for serving every order, 19 cents; for giving notice of the examination of a witness, either before the examiner, or a master, or commissioners, 25 cents; for drawing instructions for the examination, 25 cents; for abbreviating every bill, answer, and other pleadings, and depositions, and exhibits, 3 cents for each sheet containing ninety words; for drawing brief for counsel, 19 cents for each sheet containing ninety words, and a copy thereof, 6 cents for each sheet as aforesaid; for drawing charge or discharge before a master, for each sheet containing ninety words, 19 cents; for attending the master upon any matter referred to him, 50 cents; for attending the master upon a summons, 50 cents; for attending on taxing costs, 50 cents; for copy of a bill of costs, to be taxed before a decree made, 37½ cents; after a decree, 75 cents; for drawing notice of every motion, copy, and service, 37½ cents.

The Fees of the Sergeant-at-Arms.—For taking a person into custody, $1; for mileage, for each mile going out only 12½ cents; for the return of an order or process, 12½ cents; for attendance at every final hearing, 37½ cents; for serving every summons to attend a master, 12½ cents; for taking bail upon attachment or other process, 75 cents; and every person in contempt, before being discharged, shall, besides other fees, pay the Sergeant-at-Arms 83 cents.

In the Supreme Court.

Fees to the Commissioner in the city of New York for acts done by him appertaining to the office of Chancellor and Judge of the Supreme Court.—For taking bail, 37½ cents; for allowing every writ of error, writ of privilege, *habeas corpus*, *procedendo*, *certiorari*, or prohibition, 37½ cents; for taking the acknowledgment of satisfaction out of court, 37½ cents; for taking the acknowledgment or proof of a deed or mortgage, 37½ cents—a lease and release to be considered as one deed; for admitting an infant by guardian or next friend, 25 cents; for taking the acknowledgment of a fine by *dedimus*, 50 cents; for examining and signing the indentures of a fine, 50 cents; for examining and signing the enrolments of the several parts of a fine, 25 cents for each roll: for examining and signing the enrolments of a recovery, 62½ cents; for examining and signing the exemplification of a fine or recovery, 62½ cents; for taking an affidavit, 12½ cents; for taking acknowledgment of a warrant of attorney for levying a fine or suffering a recovery, or to prosecute or defend a real action 25 cents; for allowing a warrant of attorney in other cases, 12½ cents; for every attendance at his chamber on motion, or on examining a witness, 62½ cents; for every order or certificate upon the act concerning insolvent debtors, 37½ cents; for every warrant, order, report, or certificate, or appointment of trustees upon the act relative to absconding or absent debtors, 37½ cents; to a commissioner for taking every affidavit to be read in the supreme court, 12½ cents.

In the Court of Errors and Supreme Court.

Counsel's Fees.—For perusing and amending every special pleading and entry, $1 25; for assisting on special motions, $1 25; for attending the court of errors to make or oppose a motion, $1 25; for trial of a cause, or arguing a demurrer or a special verdict, or in error, $3 75; but no costs shall be taxed for counsel in any cause but where counsel is actually employed, and then only for one counsel.

Attorney's Fees.—For a retaining fee, $3 62½ cts; but where several suits are brought upon one bond, note, or bill of exchange, no more than one retaining fee shall be allowed, nor shall any retaining fee be allowed in any suit upon a bail bond, or to the defendant's attorney, upon confessing judgment on a bond by virtue of a warrant of attorney; for drawing a copy of a warrant of attorney, 12½ cents; for every term, a term fee of 62½ cents, but no more than three to be allowed in any cause; for drawing all process and returns, admissions of guardians or next friends, all recognisances of bail, pleadings, adjournments, suggestions, special verdicts, demurrers to evidence, and other necessary entries, records, bonds to prosecute, and affidavits, 19 cents for each sheet containing seventy-two words; but no record, writ, return, pleading, bond, covenant, or other writing, to be inserted, *verbatim*, or *in hæc verba*, shall be computed as any part of draught; for engrossing the same, including parchment where used, and computing all records, writs, returns, pleadings, bonds, covenants, and other writing, inserted therein, 12½ cents for each sheet, containing seventy-two words, except that, for such engrossments as were formerly used to be made on paper, there shall be allowed only 6 cents for each sheet; for every necessary motion, 62½ cents; but no motion to be allowed upon judgment by confession, by virtue of a warrant of attorney, where no suit is brought either for entering the action, or a rule to plead; for every attendance before the court of errors in order to make a motion, or to oppose a motion, 62½ cents; for arguing every special motion, $1 25; for a fee on trial, inquest, or assessment of damages by the clerk, $1 50; for drawing every *postea*, 75 cents; for arguing demurrer, special verdict, or in error, $3 75; for drawing a brief, and a copy or copies thereof, $1 12½ cents; for drawing up a judgment, 75 cents; for entering the judgment on the roll, 37½ cents; for every notice, copy, and service on the opposite party, or his attorney, 25 cents; for copy and service of notice of trial on the clerk, 25 cents; for making a note of the issue for the judges, to be served on the clerk, with a copy of the notice of trial, and for copy and service, 37½ cents; for attendance on balloting or striking a jury, or both, 62½ cents; for attendance on examining a witness out of court, 25 cents; for attendance on taxing a bill of costs, 25 cents; for serving a certified copy of a rule, or a copy of a declaration, with a certified copy of a rule to plead, 19 cents; for copy of a bill of costs to be taxed, delivered to the opposite party or his attorney; if before issue joined or judgment, 37½ cents; if after, 75 cents; and no more than one writ of execution shall be taxed in any case.

Fees of the Clerk of the Supreme Court in civil causes.—For sealing a writ, entering the same, filing the precipe, and entering on the docket, 12½ cents; filing a declaration or other pleading, 12½ cents; entering an appearance or default, 12½ cents; entering every rule, 19 cents, a certified copy of a rule when required, 12½ cents; every report of damages assessed by him $1; entering every nonsuit, 19 cents; calling and swearing every jury, 25 cents; entering the return of a writ and filing the writ, 12½ cents; filing a writ of error, *habeas corpus*, or *certiorari*, with the return thereof, 12½ cents; swearing each witness, 6 cents; swearing a constable to attend a jury, 6 cents; reading every writing given in evidence, 12½ cents; filing every roll, 12½ cents; docketing a judgment, 25 cents; taking a verdict and entering the same in the minutes, 19 cents; entering a judgment, 19 cents; entering or filing a *retraxit* or discontinuance, 12½ cents; drawing and engrossing exemplifications of records, for each sheet containing seventy-two words, 12½ cents; for copies of records and pleadings, for each sheet containing seventy-two words, 9 cents; attending and striking a special jury, and delivering a copy of the panel to each party, 75 cents; copies of records to be returned upon writs of error, for each sheet containing seventy-two words, 12½ cents; filing an affidavit or other paper on request, 9 cents; entering satisfaction on record, 19 cents; searching the records in any one year, 12½ cents, and for every other year in which search is made, 3 cents; searching for a judgment, for every term in which such search is made, 6 cents; entering confession of lease, entry, and ouster, 19 cents; reading and entering a *postea*, 25 cents; swearing each witness to a will, 12½ cents; drawing the proof of wills and codicils, for each sheet containing seventy-two words, 19 cents; recording a will or codicil, and the proof as by law directed, 19 cents for each sheet containing one hundred and twenty-eight words; and for copies thereof, when required, 12½ cents for each sheet containing one hundred and twenty-eight words; examining and signing a note of a fine, 12½ cents; examining and signing the indentures of a fine, 37½ cents; making, entering, and endorsing each proclamation of a fine, 37½ cents; attending and examining the enrolment of the several parts of a fine, 62½ cents; examining and signing, and affixing the seal to the exemplification of a fine or recovery, 62½ cents; signing a judgment, 25 cents; and taxing every bill of costs, 50 cents.

Fees of the Clerks of the Supreme Court in criminal causes, (not capital,) where the service is done at the request of the defendant, but no fees to be allowed in any other cases.—For entering an appearance, 12½ cents; entering the discharge of a person upon bail, 12½ cents; entering an imparlance, 12½ cents; entering or filing a plea, 12½ cents; reading a record or other writing given in evidence, 12½ cents; swearing a witness, 6 cents; respiting a recognisance 6 cents; taking a recognisance in court, and entering thereof, 37½ cents; copies of all indictments, informations, and pleadings when required, for each sheet of seventy-two words, 9 cents; entering a relinquishment of a plea, 12½ cents; entering a submission, 12½ cents; every subpœna for witnesses, 28 cents; entering an order or rule of court, 19 cents; a copy of an order or rule of court, 12½ cents; taking and entering a verdict when for the defendant, 19 cents; taxing and copying a special verdict, for each sheet containing seventy-two words, 19 cents; entering a judgment for defendant, 25 cents; reading and entering the allowance of a pardon or warrant of *nolle prosequi*, or *cessat processus*, 37½ cents.

Fees of the respective Clerks of the Circuit Courts and Sittings.—For entering in the judge's book every cause noticed for trial, 25 cents; filing every *nisi prius* record, 12½ cents; entering every rule, 19 cents; a copy of a rule, 12½ cents; entering confession of lease, entry, and ouster, 19 cents; for calling and swearing a jury, 25 cents; swearing each witness, 6 cents; swearing a constable to attend a jury, 6 cents; reading every deed and writing given in evidence, 12½ cents; filing a plea or bill of exceptions, 12½ cents; copies thereof, for each sheet containing seventy-two words, 6 cents; taking and entering a verdict, 19 cents; a certified copy of the minutes of a trial, 25 cents; copies, if required, of original writings read in evidence on the part of the defendant in cases of special verdict or demurrer to evidence, 9 cents for each sheet containing seventy-two words; entering every nonsuit, 19 cents; entering every appearance or default, 12½ cents; and $2 50 in each cause noticed for trial, and not countermanded in due time, in lieu of all travelling charges.

Fees of the Clerk of each Circuit Court in the Oyer and Terminer and General Jail Delivery.—For entering an appearance, 12½ cents; a subpœna, 25 cents; entering an order or rule of court, 20 cents; a copy of an order or rule of court, 12½ cents; entering a *nolle prosequi* or *cessat processus*, 20 cents; reading and entering an allowance of a pardon, 25 cents; swearing a witness, 6 cents; reading every paper given in evidence 12½ cents; respiting a recognisance, 6 cents; discharging a defendant by proclamation, 12½ cents; entering defendant's confession, 12½ cents; entering or filing defendant's plea, 12½ cents; taking a recognisance, 37½ cents; entering relinquishment of plea, 12½ cents; taking and entering verdict when for the defendant, 20 cents; taking and entering special verdict, for each sheet containing seventy-two words, 20 cents; copies of records, indictments, informations, and pleadings, when required, for each sheet containing seventy-two words, 9 cents; entering allowance of *habeas corpus*, writ of error, or *certiorari*, and returning the same, 50 cents.

Sheriff's Fees in the Supreme Court.—For serving a writ, 56 cents; every mile going, only 6 cents, to be computed in the county of Tioga from the bridge commonly called Nanticoke bridge, in the town of Union, and in every other county from the sheriff's place of abode, except where it is otherwise fixed by law; a bail bond, or a defendant's appearance endorsed, 37½ cents; returning a writ, if served, 12½ cents; every demand of a defendant, upon an exigent, and every proclamation upon a writ of proclamation, or in a real action, 12½ cents; summoning a jury, $1; a copy of the panel of jurors, 12½ cents; serving an execution for or under two hundred and fifty dollars, 2 cents and 4 mills per dollar; and for every dollar more than two hundred and fifty, 1 cent and 2 mills; the poundage on writs of *fieri facias*, and all other writs for levying moneys, to be taken only for the sum levied; advertising lands or tenements for sale on any execution, $1 87½, to be recovered in like manner as his poundage; and half that sum, if such execution be stayed or settled after advertising and before the sale; and no further sum shall be demanded for continuing such advertisement more than six weeks; for serving a writ of possession or restitution, without the aid of the posse comitatus, $1 25; and with the aid of the posse comitatus, $3 75; and mileage for every mile from the place fixed by law, 6 cents; every person committed to prison, 37½ cents; discharging every person from prison, 37½ cents; bringing up a prisoner by *habeas corpus* in civil causes, $1 50; and mileage for every mile from the jail, 12½ cents; executing a writ of inquiry, summoning the jury for that purpose, and returning the inquisition, $1 50; attending a view, $1 87½ per day; and going and returning, $1 25 per day; attending with a prisoner before a judge, on his being surrendered by his bail, and for receiving the prisoner in custody, $1; summoning the jury to inquire of a forcible entry or detainer, $2 50; copy of every writ, when demanded, 19 cents; serving an attachment against the estate of an absconding or absent debtor, so much as the judge who issued the warrant shall certify to be reasonable; serving a notification issued by the comptroller on any person to account for moneys received to the use of the people of this State, the like fees as on serving common process; and all services done by them in their offices for the public, whether in the supreme court or elsewhere, the like fees as are allowed for the like services in causes between private parties: *Provided*, That no sheriff shall be allowed any fee for the service or execution of any mesne process returnable on the first day of any term, unless the same shall be returned during such term, nor on any such process returnable on any subsequent day of any term, unless the same shall be returned within twenty days after the return day.

The Crier's Fees in the Supreme Court.—For calling every action, 9 cents; ringing the bell for each action in court, 12½ cents; calling the jury, 12½ cents; swearing a witness, 6 cents; making proclamation for the discharge of any person, 9 cents; calling the plaintiff on a nonsuit, 9 cents; calling the defendant on a default, 9 cents; calling the defendant on a recognisance, 9 cents; every proclamation upon a fine, 9 cents.

The Juror's Fees in the Supreme Court, Circuit Courts and Sittings.—For every juror, in each action in which he is sworn, 12½ cents, if in the city and county of New York; and in any other city or county, 25 cents; every juror coming to and attending a view, and returning, 75 cents per day; every struck juror, or juror from a foreign county, coming to and attending at court and returning, 75 cents per day.

Fees to the Attorney General.—For his services on occasions where he may attend on behalf of the people of this State, without the State of New York, at the rate of $5 50 per day, besides all charges for expenditures and disbursements necessarily incurred by him in or about the prosecution or defence of any action, right, or claim, in which the people of this State may be interested; and the like sum per day for his services in attending any court of oyer and terminer any jail delivery in any county of this State, other than the city and county of this State, other than the city and county of New York, at the request of the person administering the government of this State, or of a judge of the supreme court.

Fees to the District Attorneys.—For drawing every precept and every indictment, including such as may be prepared by the direction of the grand jury, although afterwards not finally agreed to by them, at the court of oyer and terminer or jail delivery, and general sessions of the peace, 19 cents for drawing per folio; and for engrossing, 12½ cents per folio; process of subpœna actually made out and issued, 25 cents for every subpœna; for process actually made out and issued to bring in the defendants, 25 cents on each indictment; arguing the matter where the defendant shall submit, $1 25 cents; every trial, or arguing a demurrer, or in opposition to a motion in arrest of judgment, in the court of oyer and terminer or jail delivery, and general sessions of the peace, $4; the proceedings in outlawry, $12 50 cents for each defendant outlawed; and at the rate of 15 cents per mile, to be computed from their respective places of residence, for going to and returning from each court they shall attend; a transcript certified into the court of exchequer, 25 cents for each defendant named therein; making up a record by order of a judge, 19 cents for the draught, and 12½ cents for the copy, for each sheet containing seventy-two words, and the like compensation, if made up at the instance of a defendant, but then to be paid for by such defendant; and for their services at any court at which the attorney general shall also attend, at the request of the person administering the government of this State, or a judge of the supreme court, $5 for every day they shall so attend.

In the Court of Common Pleas and Mayor's Court.

Fees to the First Judge.—For a license to an attorney, $1.

Fees to the Recorder in the several Mayor's Courts.—For the first motion in every cause, 75 cents.

Fees to be divided among the Judges who are present when the service is done.—For the first motion in every cause in the court of common pleas, 37½ cents; admitting a person to practise as an attorney, 1 87½ cents; admitting a guardian on the act for the partition of lands, 25 cents.

Fees to be paid to the Judge, Mayor, or Recorder, who does the service.—For admitting an infant by guardian or next friend, 19 cents; taking bail in his own court, 25 cents; in the supreme court, 37½ cents; taking acknowledgment of satisfaction out of court, 12½ cents; attending or showing cause of action, or other special matter out of court, 25 cents; taking an affidavit, 12½ cents: allowing a warrant of attorney, 12½ cents; taking and drawing acknowledgment or proof of a deed of mortgage, lease and release to be considered as one deed, 37½ cents; a certificate or order concerning an insolvent debtor, 37½ cents; for a warrant, order, report, certificate, or appointment of trustees, in pursuance of the act concerning absconding and absent debtors, 37½ cents; signing a judgment, 12½ cents; taxing a bill of costs, 25 cents; but no judgment shall be signed or taxation of costs made by any assistant judge of any court.

Fees of Justices of the Peace.—For a precept to summon a jury to inquire of a forcible entry or detainer, 37½ cents; administering an oath, 12½ cents; swearing a jury to inquire of a forcible entry or detainer, 25 cents; a precept to summon a jury to try a traverse of the force, 37½ cents; swearing a jury to try the traverse, 25 cents; drawing the conviction on a forcible entry or detainer, $1; a warrant of restitution, 37½ cents; a *mittimus* for a fine or forfeiture, 19 cents; a warrant against any person for a breach of the peace or misdemeanor, 19 cents; a bond or recognisance, 25 cents; a summons upon a penal law, 12½ cents; drawing a conviction, 37½ cents; a warrant to levy a penalty, 19 cents.

The Attorney's Fees in the Court of Common Pleas and Mayor's Court.—For a retaining fee, $2 50 cents; but where several suits are brought upon one obligation, note, or bill of exchange, no more than one retaining fee shall be allowed, nor shall any retaining fee be allowed in any suit upon a bail bond, or to the defendant's attorney upon confessing judgment on a bond by virtue of a warrant of attorney; for a warrant of attorney, 12½ cents; drawing a copy of a plaint, 19 cents; every necessary motion, 25 cents; drawing a declaration, 75 cents; copy of a declaration, 37½ cents; drawing a plea, 25 cents; copy thereof, 12½ cents; drawing all other pleading, 12½ cents; for each sheet containing seventy-two words, and for a copy thereof, 6 cents for each sheet; drawing a writ of inquiry and copy, $1 12½ cents; drawing every notice of trial, copy and service, 25 cents; copy and serving on the judge or judges, 12½ cents; drawing every other notice, copy, and service, 19 cents; drawing a brief for a trial, or inquest, and copy, 75 cents; fee on trial, or for arguing demurrer, or special verdict, $2; fee on inquest or assessment of damages by the clerk, $1; attendance on a judge on examining a witness, or showing cause of action, or to mitigate bail, or other special matter, 25 cents; attendance on taxing costs, 25 cents; copy of a bill of costs to be taxed for the opposite party or his attorney, when required, 25 cents; drawing and copy of record of judgment, $1 50 cents.

Fees of the Clerks of the Court of Common Pleas and Mayor's Court.—For every writ of *capias*, entering the action and seal, 25 cents; a bond given by the plaintiff to prosecute when necessary, 25 cents; copy of a declaration, when required, 37½ cents; for copies of all other pleadings, when required, 6 cents for every sheet of seventy-two words; filing every declaration or other pleading or paper, 6 cents; entering a *retraxit*, or discontinuance, or satisfaction, 12½ cents; entering every rule, 12½ cents; and for a copy thereof, when required, 12½ cents; attending the striking or balloting a jury, or both, and making a copy of the panel for each party, 50 cents; entering an appearance or default, 6 cents; entering the return of every writ, 6 cents; and filling the writ 6 cents; drawing special bail, when he does it, 12½ cents; reading and entering allowance of *habeas corpus*, writ of error, or *certiorari*, and for the return thereof, 50 cents; a *venire*, or other jury process and seal, 37½ cents; a subpœna, 25 cents; calling a panel and swearing a jury, 19 cents; swearing each witness on trial, 6 cents; and swearing a constable, 6 cents; reading every paper given in evidence, 6 cents; receiving and entering a verdict, 12½ cents; entering judgment, 12½ cents; sealing a writ of inquiry, 19 cents; every report of damages assessed by him, $1; drawing a jury and making a panel at the instance of the sheriff or other proper officer, on jury process, 75 cents; making and returning a book of freeholders for striking a jury, $3 75 cents; an execution and seal, 37½ cents; entering recognisance of bail on record, 25 cents; drawing and copy of a record of judgment, when done by him, $1 50 cents; and for a copy to be signed when the attorney makes the draught, 75 cents; searching the records in any one year, 12½ cents; and for every other year in which search is made, 3 cents; for swearing each witness to a will or codicil, 6 cents; docketing a judgment, 12½ cents; filing a record 6 cents; searching for a judgment in one term, 12½ cents; and in every other term in which such search is made, 6 cents; drawing the proof of wills or codicils, 12½ cents for each sheet of seventy-two words; recording deeds, wills, and codicils, and the proof thereof required by law, 19 cents. for each sheet containing one hundred and twenty-eight words; and for copies thereof, when required, 12½ cents for each sheet containing one hundred and twenty-eight words; entering or registering each mortgage, $1; entering satisfaction on every mortgage, 25 cents.

And the said clerk, as clerk of the general sessions of the peace, shall be entitled to the same fees for the like services as he is entitled to receive s clerk of the oyer and terminer and general jail delivery; and no person being bound by recognisance to appear and answer, or indicted and fined either in the supreme court or any court of oyer and terminer and jail delivery, or general sessions of the peace, shall be discharged until such person shall have paid the fees of the clerks of the said courts respectively.

The Sheriff's Fees in the Court of Common Pleas and Mayor's Court.—For serving a writ, 37½ cents; mileage to be computed as in the supreme court, 6 cents per mile; every bail bond, 37½ cents; returning a writ, if served, 9 cents; summoning a jury, 75 cents; a copy of the pannel of the jurors, 12 cents; attending a view, $1 25 cents per day, and going and returning $1 per day; every demand of a defendant upon an exigent, and every proclamation on a writ of proclamation or in a real action, 12½ cents; for serving an execution for or under two hundred and fifty dollars, 6 cents for every two dollars and fifty cents; and for every two dollars and fifty cents more, 3 cents; the poundage on writs of *fieri facias*, and all other writs for levying money to be taken only on the sum levied; for serving a writ of possession or restitution, with the aid of the posse comitatus, $2 50 cents; and without such aid, $1 25 cents; and mileage, going only, for every mile from the place fixed by law 6 cents; for every person committed to prison, 37½ cents; for discharging every person from prison, 37½ cents; for executing a writ of inquiry, summoning the jury for the purpose, and returning the inquisition, $1 50 cents; for attending with a prisoner before a judge, on his being surrendered by or in discharge of his bail, and receiving the prisoner into custody, 50 cents; for copy of every writ, when demanded, 12½ cents; for serving an attachment against the estate of an absconding or absent debtor, so much as the judge who issues the warrant shall certify to be reasonable.

Provided, That no sheriff shall be allowed any fee for the service or execution of any mesne process returnable on the first day of any term, unless the same shall be returned during such term; nor on any such process returnable on any subsequent day of any term, unless the same shall be returned within twenty days after the return day.

The Crier's Fees in the Courts of Common Pleas, Sessions, and Mayor's Courts.—For calling every action, 9 cents; for calling a jury, 12½ cents; for calling and swearing a witness, 6 cents; for ringing the bell, for every action, 9 cents; for calling a defendant, 6 cents; for calling a plaintiff, on a nonsuit, 6 cents; for making proclamation for the discharge of any person, 6 cents; for calling any person on recognisance, 6 cents.

The Coroner's Fees.—For the view of each body, $3 75: *Provided*, That in Richmond county the coroner's fees shall be no more than $2 50; for serving writs in all cases the like fees as are hereinbefore allowed to the sheriff for the like service; and the fees of the coroner for taking inquests in each county shall be certified by at least two of the supervisors, and paid by the treasurer of the county; and in the city of New York, the same shall be paid in the same manner as the other contingent charges in the said city are directed to be paid.

The Juror's Fees in the Common Pleas and Mayor's Courts.—For every juror sworn in each action in the mayor's court of the city and county of New York, 12½ cents; and in any other court of common pleas or mayor's court, 25 cents; for each juror attending a view, 50 cents per day; for every struck juror, 75 cents per day.

The Constable's Fees.—For serving a warrant, 19 cents; for serving a summons, 12½ cents; for mileage, for every mile, going only, 6 cents; for levying a fine or penalty to the amount of two dollars and fifty cents or under, 12½ cents; and on all sums above two dollars and fifty cents at the rate of 12½ cents on every two dollars and fifty cents; for taking a defendant in custody on a *mittimus*, 12½ cents; for conveying a person to jail, 12½ cents, if within one mile, and for every mile more, going only, 6 cents.

Fees of the Court of Probates.—For administering an oath, 12½ cents; for drawing the proof of a will or codicil, 19 cents for each sheet containing one hundred and twenty-eight words; for the probate of a will and the letters testamentary thereon, or letters of administration, 19 cents for each sheet of one hundred and twenty-eight words; for affixing the seal to the same, 75 cents; for drawing and copy of bond on granting letters of administration, 50 cents; for recording wills, codicils, and the proof thereof, and letters testamentary, and letters of administration, 19 cents for each sheet containing one hundred and twenty-eight words; for entering and filing a *caveat*, 19 cents; for a citation to witnesses, or for any other purposes, including the seal, 75 cents; for taking, and entering, and filing a renunciation, 37½ cents; for filing an inventory, 12½ cents; for searching the records in his office in any one year, 12½ cents; and for every other year in which such search is made, 6 cents; for filing a petition, 12½ cents; for making and entering every order, 75 cents; for taking depositions, 19 cents for each sheet containing one hundred and twenty-eight words; for copies of all records, depositions, or other pleadings, when required, 12½ cents for each sheet containing one hundred and twenty-eight words; for every decree or sentence in suits for legacies, or distributions, or order for the sale of any real estate, $3 75 cents; for an execution, $1 25 cents; for hearing and determining where a will or administration is contested or upon appeal, $2 50 cents; for the seal to exemplifications, 75 cents.

Fees of the Surrogates.—For administering an oath, 12½ cents; for drawing the proof of a will or codicil, 19 cents for each sheet containing one hundred and twenty-eight words; for the probate of a will and letters testamentary thereon, or letters of administration, 19 cents for each sheet containing one hundred and twenty-eight words; for the seal to the same, 75 cents; for the bond upon granting letters of administration, 50 cents; for recording wills, codicils, and the proof thereof, and letters testamentary, and letters of administration, 19 cents for each sheet containing one hundred and twenty-eight words; for entering and filing a *caveat*, 19 cents; for filing every petition for the sale of any real estate, 12½ cents; for making and entering every order thereon, 75 cents; for every decree or order for the sale of any real estate, $3 75 cents; for a citation for witnesses, or any other purpose, including the seal, 75 cents; for taking, entering, and filing a renunciation, 37½ cents; for filing an inventory, 12½ cents; for searching the records in his office for any one year, 12½ cents; and for every other year in which said search is made, 6 cents; for taking depositions, 19 cents, each sheet containing one hundred and twenty-eight words; for copies of records or depositions, when required, 12½ cents for each sheet containing one hundred and twenty-eight words; for hearing and determining where a will or administration is contested, $2 50 cents; for the seal to exemplifications, 75 cents; but no fees shall be demanded or taken by any surrogate in any case where it shall appear to him, by the oath of the person applying for letters testamentary or of administration, that the goods, chattels, and credits of the testator or intestate do not exceed the value of $37 50.

Witnesses' Fees in the several Courts, and the charges of summoning them.—For each witness attending in his own county, 25 cents per day, besides his reasonable expenses; for attending from a foreign county, and coming and returning, 50 cents per day, besides his reasonable expenses; for the judge of the court of probates, the Secretary of State, or any clerk or surrogate attending on subpœna with wills, records, or other written evidence, $1 25 cents per day; for every surveyor, for going to and returning from a view, and going to, attending at, and returning from the trial, $1 25 cents per day; and for his actual service on the view, $2 50 cents per day; for serving a subpœna on each witness, 12½ cents.

Fees to be paid to the Secretary—Who shall keep an account of such fees, and exhibit the same quarter-yearly to the Comptroller of this State, who shall examine and file the same in his office, and certify the amount thereof to the treasurer, and the said Secretary shall pay the same to the treasurer:

For writing a *caveat*, 12½ cents; for searching the records in his office for any one year, 12½ cents; and for every other year in which such search is made, 6 cents; for copies of records, 12½ cents for each sheet containing one hundred and twenty-eight words; for every patent for lands, for a single lot, the sum of eight shillings; for each patent for more than one and less than four, the sum of twelve shillings for each patent; for more than three, and less than nine lots, the sum of sixteen shillings; and for each patent, for more than eight lots, the sum of twenty-four shillings; which fees shall be paid by the person or persons in whose favor any patent or patents shall issue.

Sec. 2. *And be it further enacted*, That no person empowered to administer oaths shall demand or take any fee for administering the oath of allegiance or oaths of office to the members of the Legislature, nor more than twenty-five cents for administering such oaths to any officer.

Sec. 3. *And be it further enacted*, That whenever the same person shall act as attorney and counsel, or as solicitor and counsel in the same cause, he shall not be entitled for the same service to fees, both as counsel and attorney, or as counsel and solicitor, but shall be allowed the fees of counsel only, in the courts of common law and chancery, for the particular service done as counsel; and the fees of an attorney or solicitor only for the particular service done as attorney or solicitor, and shall not, in any such case, be allowed any fees for attending upon or consulting with counsel, or for any copies of papers, pleadings, or records, for counsel.

Sec. 4. *And be it further enacted*, That if any person shall, knowingly or wilfully, exact or compel any person to pay for any of the services aforesaid any other or greater fee, sum of money, or reward, than is hereinbefore allowed for the same, every such person, upon conviction thereof, either at the suit of the party grieved, or upon information or indictment, shall pay to the party grieved treble damages, and such fine to the people of the State of New York as the court in which such conviction shall be had shall think proper to impose, and shall, also, if an officer, forfeit and lose his office.

Sec. 5. *And be it further enacted*, That all former acts regulating the fees of the said several officers and ministers of justice, shall be, and the same are hereby repealed.

STATE OF NEW JERSEY.

An Act to regulate Fees.

Section 1. *Be it enacted by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That a sheet or folio shall contain one hundred words; and in all cases where an entry of any writing or copy is to be paid for, the said sheet shall consist of one hundred words.

Sec. 2 *And be it enacted*, That the officers and persons in this act named shall be entitled to demand and receive, for the services hereinafter mentioned, the fees thereto respectively annexed, and no more.

The Governor.—For a license of marriage, hand and seal, $1 34; for the seal to every probate of a will or letter of administration, $1 20; for every writ of error, or other original writ, 40 cents; for the first rule in every cause in error, $1; for every judgment in a cause in error, $1; for a license to an attorney and solicitor, $3; for a license to a counsellor at law, $3; for the seal to a sheriff's commission, $1; for the seal to a commission for a clerk of any court, $1; for the seal to every certificate, exemplification, or other paper, $1 20.

Fees of the Court of Errors.

The Clerk's Fees.—For reading and filing the writ, return, and record, 34 cents; for filing every affidavit or other proceeding, 12 cents; for entering every rule, 20 cents; for every certified copy of a rule, 20 cents; for entering every appearance, 12 cents; for entering every judgment, 25 cents; for entering every judgment and *remittitur* on the roll, for each sheet, 12 cents; for the seal to any record or process, 50 cents; for copies of records, pleadings, and other proceedings, for each sheet, 9 cents; for taxing a bill of costs, 50 cents.

The Fees of the Secretary of this State.—For every order, warrant, or certificate, under the Governor's hand and seal, countersigned by the Secretary, 40 cents; for entering deeds and other writings on the record, for each sheet, 5 cents; for every copy of the same, and other papers in his office, for every sheet, 5 cents; for a commission for a sheriff, $1 34; for a commission for a clerk in any court, $1 34; for searching the records, for every book, 7 cents; for a license to an attorney and solicitor, $3; for a license to a counsellor at law, $3; and for every other commission to be paid by the treasurer of this State, 25 cents; for drawing a certificate to pass under the great seal or any other seal, and engrossing the same, for each sheet, 12 cents.

Fees of the Prerogative Office.

For engrossing a last testament and will and probate, for each sheet, 12 cents; for engrossing letters of administration, for each sheet, 12 cents; for recording last testaments and wills, and letters of administration, for each sheet, 8 cents; for filing every last testament and will, 10 cents; for recording inventory, for each sheet, 8 cents; for filing inventory, 8 cents; for every bond taken in the office, 34 cents; for every marriage license, $1 20; for entering and filing *caveat*, 20 cents; for searching the records for any one year, 12 cents.

Fees of the Prerogative Court.

The Ordinary.—For making every order or rule, $1; for the seal to citation, monition, or process, 50 cents; for hearing and determining every appeal, $4.

The Register.—For drawing citation, monition, or process, $1; for entering every order or rule of court, 20 cents; for copy thereof, 14 cents; for entering and filing appeal, 20 cents; for filing every petition, pleading, or other paper, 14 cents; for reading the same, 14 cents.

Fees of the Court of Chancery.

The Chancellor's Fees.—For seal to every common writ, 40 cents; for every opinion or order on a petition or motion controverted and argued in court, $1 34; for every order on petition out of court, 66 cents; for every common motion, 75 cents; for every dismission of a bill for want of prosecution, $1 34; for every decree, $2 50.

The Fees of Masters.—For every summons, 40 cents; for copy of all charges and discharges brought before the master, and scheduling writings, for each sheet, 10 cents; for every report in pursuance of an order made upon hearing a cause, $1 34; for every other report made upon petition or motion only, 67 cents; for drawing every report, for each sheet, 14 cents; swearing a defendant to an answer or plea, or taking an affidavit, 20 cents.

Clerk's Fees.—For entering action, 20 cents; for entering appearance of the defendant, 20 cts.; for filing every bill, answer, plea, replication, and other pleading, and every affidavit, petition, report, examination, deposition, or other paper, 12 cents; for copy of the same, for each sheet, 8 cents; for entering rule to answer, reply, or other rule in a cause, 20 cents; for copy thereof, 12 cents; for searching for any bill, answer, pleading, or other paper, for every year in which such search is made, 8 cents; for entry of every dismission, 50 cents; for every commission to examine witnesses, $1 34; for entering a cause for argument or hearing, 50 cents; for swearing every witness 8 cents; for attending court on argument or hearing with the bill, answer, pleadings, and other documents and papers filed in the cause, 50 cents; for reading every bill, answer, or other pleading, document, or paper on argument or hearing, 20 cents; for money brought into court by order, and lodged with him, after the rate of one cent per dollar.

Examiner's Fees.—Taking the examination of every witness, for each sheet, 20 cents; certifying every exhibit shown to a witness, 30 cents.

Fees of Solicitor and Counsel.—For a retaining fee, $2; drawing every bill, answer, plea, demurrer, replication, and other pleading, and drawing exceptions and other proceedings, for each sheet, 20 cents; engrossing the same, for each sheet, 10 cents; drawing and engrossing every subpœna or attachment, 70 cents; drawing other process or writs, for each sheet, 20 cents; drawing notice of every motion, copy, and service, 40 cents; every motion of course, 80 cents; but no motion to be allowed for common process, nor for rules to answer, reply, or the like, which are to be entered of course by the clerk; every special motion, $1 50; counsel arguing every plea or demurrer, or upon petition, or exceptions, or other special matter, $3; counsel arguing upon the final hearing, $4; but no costs to be taxed for more than one counsel in a cause; drawing every decree, for each sheet, 20 cents; engrossing the same, for each sheet, 12 cents; for copy of every bill of costs to be taxed before a decree, 20 cents; copy of every bill of costs to be taxed after a decree, 30 cents; every term fee, 80 cents; but no more than three term fees to be allowed in any cause.

Sheriff's Fees.—To be the same as for the like services in the supreme court.

Fees of the Sergeant-at-arms in the Court of Chancery.—For attending the court at each of its stated terms, for every day, to be paid by the treasurer, $1; for attending every special sitting for the argument of any plea or demurrer in any cause or causes, to be paid by the party or parties applying for such special sitting and to be taxed to him or them in his or their bill of costs if costs shall be adjudged, $1.

In the Supreme Court.

Fees to be divided among the Judges who are attending court when the service is performed.—For a license to an attorney and solicitor, $3; for a license to a counsel, $3; for the first motion in every cause, 80 cents; for the trial or argument of every cause, $1; for assessment of damages, $1; for every recognisance, 40 cents; for every rule in a cause, 34 cents.

Fees to be paid to the Judge who shall perform the service.—For drawing order for bail, 40 cents; for every justification or disallowance of bail, 40 cents; for taking every affidavit, 14 cents; for allowing every writ of error, *habeas corpus*, *certiorari*, prohibition, *procedendo*, *supersedeas*, or other writ, where an allowance is necessary, 50 cents; for making a return of a writ of error, examining and annexing a transcript of the record thereto, and delivering the same to the court of appeals, $3; for signing and returning *postea*, $1; for order of commitment of every person surrendered by or in discharge of his bail 40 cts.; for signing judgment 50 cents.

Counsel's Fees in the Court of Appeals and Supreme Court.—For trial of a case, or arguing a demurrer or special verdict, $3; but no costs to be taxed for more than one counsel on each side; for attending the court of appeals to make or oppose a motion, $1 50.

Fees of Attorneys-at-law.—For a retaining fee in each cause, except in ejectment, $1; for drawing every summons, *capias*, or other mesne process, 34 cents; for drawing a warrant of attorney, 10 cents; for copy thereof, 7 cents; for drawing every affidavit, 14 cents; for copy of the same, when necessary, 7 cents; for drawing special bail-piece and attending the judge, 40 cents; for drawing notice of justification of bail, 30 cents; for copy and service thereof, 20 cents; for every declaration, plea, or other pleading, not exceeding three sheets, 70 cents; for copy thereof, when necessary, 30 cents; for every writ of error, dower, replevin, *habeas corpus*, *certiorari*, prohibition, *procedendo*, *scire facias*, *venire*, or *distringas*, 60 cents; for every declaration, plea, replication, or other pleading, exceeding three sheets, for every sheet, 20 cents; for copy thereof 12 cents; for copy of bond, note of hand, account, or other deed or writing, for every sheet, 9 cents; for every special motion, not exceeding two in any cause, 80 cents; for every subpœna, 34 cents; for every ticket for the same, 10 cents; for drawing notice of every motion, where notice of the same is necessary, 25 cents; for copy and service thereof, 20 cents; for attendance on striking a jury, $1; for drawing notice of trial, 25 cents; for copy and service thereof, 20 cents; for drawing every *breviat* 40 cents; for copy thereof, 14 cents; for arguing every special motion, $1 25; for arguing demurrer or special verdict, or trying every cause, except a cause in ejectment, $2; for drawing notice of taxing costs, where necessary, 25 cents; for copy and service thereof, 20 cents; for drawing *capias ad satisfaciendum*, 50 cents; for drawing execution against goods and chattels, 50 cents; for drawing execution against goods and lands, 70 cents; for term fee, 80 cents; but no more than two term fees to be allowed where judgment is entered by default, nor more than three in any case; for drawing declaration in ejectment, $1 50; for retaining fee in ejectment $1 50; for every attendance before the court of errors in order to make or oppose a motion, $1.

Fees of the Attorney General.—For every indictment to which the defendant or prisoner pleads guilty, $10; for every indictment to which the defendant or prisoner pleads guilty, and afterwards retracts his plea and pleads not guilty, $12; for every indictment to which the defendant or prisoner pleads not guilty, is tried, and found guilty $15; the above sums to be in full of the taxable costs and charges of the attorney general; but no costs shall be allowed where the indictment is quashed, the defendant is acquitted, or the judgment is arrested.

Fees of the Clerk of the Supreme Court in civil cases.—For drawing every summons, *capias*, subpœna, or other process, if he shall do it, 34 cents; for sealing every writ, 14 cents; for entering every action, 10 cents; for entering an appearance or default, 14 cents; for entering the return of a writ, 14 cents; for entering every rule of court, 16 cents; for a certified copy thereof, when required, 12 cents; for, filing every writ, declaration, pleading, roll, or other paper, 8 cents; for entering every *retraxit*, discontinuance, or nonsuit, 15 cents; for, reading every petition, and entering order thereon 20 cents; for every copy of such order, 12 cents; for searching the records, 20 cents; for calling and swearing every jury, 40 cents; for swearing each witness 8 cents; for reading every record, deed, or writing, given in evidence, 14 cents; for swearing a constable to attend a jury, 8 cents; for taking a general verdict, and entering the same, 20 cents; for entering judgment, 12 cents; for entering every special verdict or demurrer to evidence, for each sheet, 12 cents; for copies of writs, declarations, pleadings, special verdicts, demurrers to evidence, records, and other papers, for each sheet, 8 cents; for reading and entering a *postea*, 20 cents; for entering satisfaction on record, 20 cents; for entering confession of lease, entry, and ouster, 20 cents; for recording every judgment in the book of judgments, $1; for taxing every bill of costs, 50 cents.

Fees of the Clerk of the Supreme Court, and of the Courts of Oyer and Terminer and General Jail Delivery, in criminal cases.—For entering every indictment and filing the same, 20 cents; for every process, subpœna, or other writ, 34 cents; for sealing the same, 14 cents; for every ticket for a subpœna, 10 cents; for entering an appearance or default, 14 cents; for entering a recognisance taken in court, 20 cents; for discharging by proclamation and entering the same, 20 cents; for entering and filing a plea, 14 cents; for entering a relinquishment of a plea 8 cents; for entering an order or rule of court, 16 cents; for a certified copy thereof, when required, 12 cents; for calling and swearing every jury, 40 cents; for swearing each witness, 8 cents; for reading every record, deed, or writing given in evidence, 14 cents; for swearing constable to attend jury, 8 cents; for taking and entering a general verdict, 20 cents; for entering every special verdict, for each sheet 12 cents; for entering judgment, 12 cents; for copies of writs, indictments, pleadings, special verdicts, and other papers, for each sheet, 8 cents; but no costs to be allowed where the indictment is quashed, judgment arrested, or the defendant acquitted, or discharged for want of prosecution; for taxing every bill of costs, 50 cents.

Fees of the Clerks of the Circuit Courts.—For entering every action, 10 cents; for filing every *nisi prius* record, 10 cents; for entering every nonsuit and rule, 10 cents; for a copy of a rule, 8 cents; for filing every *venire* or *distringas* and return, 10 cents; for entering every appearance or default, 10 cents; for entering confession of lease, entry, and ouster, 16 cents; for calling and swearing a jury, 30 cents; for swearing each witness, 8 cents; for reading every record, deed, or writing, given in evidence, 12 cents; for filing every bill of exceptions, 10 cents; for a copy thereof, for each sheet, 8 cents; for swearing a constable to attend a jury, 8 cents; for taking and entering a general verdict, 20 cents; for entering in the minutes every special verdict or demurrer to evidence, for each sheet, 12 cents; for copy thereof, for each sheet, 8 cents; for drawing *postea*, when a general verdict is found 70 cents; for taxing a bill of costs, 50 cents; for drawing *postea*, in case of a special verdict of demurrer to evidence, for each sheet, 8 cents.

Fees of Sheriffs.—For serving an attachment against the estate of an absconding or absent debtor, $2 50; for serving a *capias ad respondendum* or other mesne process, $1 50; for serving a *capias ad satisfaciendum*, $1 50; for returning every writ, 12 cents; for mileage on serving every writ, 2 cents, out and in, for every mile, to be computed from the court-house, but the whole mileage shall, in no case, exceed $2: *Provided*, That no mileage shall be allowed on a writ of *fieri facis*, partition, possession, restitution, *seisin*, *venire facias*, *distringas*, or inquiry; for serving every declaration in trespass and ejectment, and mileage as aforesaid, $2; for taking every bail bond in the supreme court, 70 cents; for taking every bail bond in the court of common pleas, 35 cents; for serving every *venire facias* or *distringas* and return, $1; for producing the list of freeholders, and attending the judge within the county, $2 70; and, if out of the county, 20 cents for every mile from the court-house of his county to the place where he shall attend the judge, in addition to the said fee of $2 70; for summoning a special jury, $2 70; for attending a jury of view, each day, $1 50; for executing every writ of partition, swearing the jury, and making return of the writ, $3; and, if the execution of the said writ shall occupy more time than one day, then, in addition to the above sum, he shall be allowed after the rate of $1 50 a day, for every day more that he shall attend the said jury; for executing every writ of possession and return, $2; for executing every writ of inquiry, summoning the jury, and returning the inquisition, $2; for serving every execution, if it be of or under one hundred dollars, $1; and if it be above that sum, 2 cents on every dollar, to be computed on the amount of the debt or damages paid or secured to the plaintiff, by sale or otherwise; for advertising the property for sale, provided the sheriff attend in pursuance of the advertisement, $3 50; for the crier of the vendue, when the sheriff proceeds to sell, for every day he shall be actually employed in such sale, $1; for every adjournment of a sale, $1; but no more than one adjournment shall be allowed; and if the sheriff shall have several executions against a defendant, he shall only be allowed for advertising, attending, and adjourning, as if he had but one execution; for a deed to a purchaser of real property, $2 50; for every person committed to prison, 25 cents; for discharging every person from prison, 12 cents; for victualling a prisoner for every day, 10 cents; for attending with a prisoner before a judge, on his being surrendered by or in discharge of his bail, and receiving him into custody, $1 50: That the sheriff shall file his taxed bill of costs with the clerk of the court, out of which execution issued, at the term next after the sale of the property, or, in default thereof he shall not be entitled to any costs; and, if any sheriff shall charge, in such bill of costs, for services not done, are not allowed by law, or shall take any greater fee or reward for any service by him done that is or shall be allowed by law, he shall pay to the party aggrieved $30, to be recovered by action of debt, with costs.

In the Courts of Common Pleas.

Fees to be divided among the Judges, who are attending court when the service is performed.—For the first motion in every cause, 50 cents; for every rule in a cause, 20 cents; for the trial or argument of every cause, 50 cents; for assessment of damages, 75 cents; for every writ of error or *habeas corpus* allowed and entered, 20 cents.

Fees to be paid to the Judge who performs the service.—For drawing order for bail, 25 cents; for taking bail, 25 cents; for every justification or disallowance of bail, 25 cents; for taking every affidavit, 10 cents; for order of commitment of every person surrendered by or in discharge of his bail, 20 cents; for signing every judgment, 50 cents.

In the Courts of General Quarter Sessions.

Fees to be divided among the Justices, who are attending court when the service is performed.—For the first motion in a cause, 50 cents; for every rule in a cause, 20 cents; for the trial or argument of every cause, 50 cents; for every recognisance, 25 cents.

Fees to be paid to the Justice of the Peace, who performs the service, where he is entitled to fees, and they are not otherwise ascertained by law.—For every recognisance, 25 cents; for a pass, 20 cents; for a *mittimus*, 25 cents; for taking examinations, for each sheet, 14 cents; for every oath or attestation, 5 cents; for a warrant against a person for a breach of the peace or a misdemeanor, 25 cents; for a summons on a penal law, 13 cents; for drawing a conviction, 25 cents; for a warrant to levy a penalty, 25 cents.

Fees of the Clerks of the Courts of Common Pleas.—For drawing every summons, *capias*, or other process, if he shall do it, 30 cents; for sealing every writ, 14 cents; for entering every action, 8 cents; for entering an appearance or default, 10 cents; for entering the return of a writ, 10 cents; for entering every rule of court, 10 cents; for a certified copy thereof, when required, 8 cents; for filing every writ, declaration, pleading, roll, or other paper, 8 cents; for entering every *retraxit*, discontinuance, or nonsuit, 8 cents; for reading every petition and entering order thereon, 15 cents; for every copy of such order, 10 cents; for searching the records, 12 cents; for calling and swearing the jury, 20 cents; for swearing each witness, 6 cents; for reading every record, deed, or writing, given in evidence, 10 cents; for swearing constable to attend a jury, 6 cents; for taking and entering a general verdict, 8 cents; for entering judgment, 8 cents; for entering every special verdict or demurrer to evidence, for each sheet, 10 cents; for taxing every bill of costs, 50 cents; for recording every judgment in the book kept for that purpose instead of judgment rolls, $1; for copies of writs, declarations, pleading, special verdicts, records, and other papers, for each sheet, 8 cents; for entering satisfaction on record, 14 cents; for reading and entering every allowance of a writ of error, habeas corpus, or other writ requiring an allowance, and returning the same, 50 cents; for entering deeds of conveyances on the record, for each sheet, 6 cents; for searching the records of such deeds, 7 cents.

Fees of the Clerks of the Courts of General Quarter Sessions.—For entering and filing an indictment, 16 cents; for every process, subpœna, or other writ 25 cents; for sealing the same, 14 cents; for every ticket for a subpœna, 9 cents; for entering an appearance of default, 10 cents; for entering a recognisance taken in court, 15 cents; for entering and filing a plea, 8 cents; for reading every petition and entering order thereon, 15 cents; for copy of such order, 10 cents; for every rule or order of court, 10 cents; for copy of such rule or order, 8 cents; for searching the records, 13 cents; for calling and swearing the jury, 20 cents; for swearing each witness, 6 cents; for reading every record or other writing given in evidence, 10 cents; for swearing constable to attend a jury, 6 cents; for taking and entering a general verdict 8, cents; for entering judgment, 8 cents; for entering every special verdict, for each sheet, 10 cents; for copies of writs, indictments, pleadings, special verdicts, and other papers, for each sheet, 8 cents; for entering the allowance of every habeas corpus, writ of error, or *certiorari*, and returning the same, 50 cents; but no cost to be allowed where the indictment is quashed, judgment arrested, or the defendant acquitted or discharged for want of prosecution; for taxing bill of costs, 50 cents.

Fees of Coroners.—For the view of a dead body, $2; for a precept to summon a jury, 50 cents; for swearing the jury, 25 cents; for swearing every witness, 6 cents; for drawing and returning the inquisition, $1; for taking examinations in writing, for each sheet, 14 cents; for burying a dead body, $4.

Which fees the collector of the county is hereby authorized and required to pay, on being taxed by the clerk of the court of common pleas of the county; and the said county collector shall be allowed the same, in the settlement of his accounts with the treasurer of the State.

Serving writs, advertising property, and making deeds, the same fees as are by law allowed to sheriffs for the same services, and under the like restrictions and regulations.

Criers' Fees.—For calling every action, 9 cents; for calling a jury, 12 cents; for swearing a witness, 6 cents; for calling the plaintiff on a nonsuit, 8 cents; for calling the defendant on a default, 8 cents; for calling the defendant on a recognisance, 8 cents; for calling the bail on a recognisance, 8 cents; for making proclamation to discharge a person, 8 cents.

Fees of Jurors.—Every juror, for each action on which he is sworn or affirmed, including a writ of inquiry, coroner's inquest, and indictment, 25 cents; for every juror who appears in a cause, but is not sworn or affirmed, 12 cents; for every juror going to, attending, and returning from, a view, for each day, $1; for every juror from a foreign county, going to, attending at, and returning from, court, being sworn or affirmed in a cause, for each day, $1; for every such juror who attends, and is not sworn or affirmed, to be allowed for going to, attending at, and returning from, court, after the rate of 50 cents for each day.

[No compensation whatever is allowed to grand urors.]

Fees of Witnesses.—For every witness attendng a court, or commissioners, or referees, or arbirators, in his own county, for each day, 50 cents; or every witness, from a foreign county, attending court, or commissioners, or referees, or arbitraors, after the rate of $1 a day, in which shall be ncluded his or her going to, and returning from, he same, allowing one day for every thirty miles rom and to his or her place of residence.

Fees to the Secretary.—For the Secretary of his State or any clerk attending on subpœna, vith wills, records, or other written evidence, fter the rate of $1 a day, and mileage as aforesaid.

Fees of Surveyors.—Every surveyor, for his ctual service on a view, for each day, $2; every urveyor, for his going to and returning from a iew, for each day, $1; for every chain-bearer, n a view, for each day, 70 cents; for serving a ubpœna on each witness, 13 cents.

Fees of the Constable, where he is entitled to es, and they are not otherwise ascertained by w.—The constable shall, for the same services, allowed the same fees as are established by the t constituting courts for the trial of small caus; and, also, seventy-five cents per day each, for ery day he shall attend at the supreme courts, rcuit courts, courts of oyer and terminer and neral jail delivery, courts of common pleas, and neral quarter session of the peace, in the resctive counties, to be paid by the county collect of the said counties on his producing a certifite from the presiding judge or justice of such urt, setting forth the number of days he may ve so attended: *Provided*, That when two or more courts are held at the same time, the constable shall receive no more than seventy-five cents per day for his attendance on all the said courts.

STATE OF PENNSYLVANIA.

Fees allowed to the Prothonotary of the Supreme Court.—For issuing every writ, docketing, and return, $1 80; for entering every appearance, 13 cents; for entering a special bail, 50 cents; for bail piece and seal, 50 cents; for filing declaration, plea, demurrer, replication, &c., and entering each, 13 cents; for filing all other papers, each, 20 cents; for every continuance, 13 cents; for every rule of reference, &c., 17 cents; for copy if demanded, 33 cents; for entering discontinuance, *retraxit*, or quashing writ of error, 13 cents; for every trial, swearing jury, and recording general verdict, 67 cents; for every trial, swearing jury, and recording special verdict, $1; for swearing each witness, 5 cents; for recording each judgment, 20 cents; for arrest of judgment, 13 cents; for acknowledging satisfaction 25 cents; for filing and entering report, 25 cents; for entering judgment thereon, 13 cents; for subpœna and seal, 50 cents; for each name after the first, 10 cents; for every ticket, if issued 25 cents; for copy of narr. &c., per line of twelve words, 1 cent; for drawing list of special jury, attending, striking, and copies, $1; for filing narr. in ejectment, and docketing the cause, 50 cents; for entering concession of lease, entry, and ouster, 13 cents; for entering every motion or rule, 13 cents; for calling plaintiff or defendant, and entering default, 26 cents; for entering *cesset executio*, 13 cents; *venire* or *distringas*, $1; for making up *nisi prius* record, per line of twelve words, 1 cent; for *postea* containing the proceedings at *nisi prius*, $1 33; for every such record, 20 cents; for copy per line of twelve words, 1 cent; for every certificate and seal, 67 cents; for commission to take depositions out of the State, $1 50; for filing interrogatories and copy per line, 1 cent; for reading and filing petition for divorce; docketing the same, $2 33; for issuing subpœna thereon, $1 50; for entering decree or judgment, 13 cents; for taking and entering acknowledgment of sheriff's deed, and recording certificate of acknowledgment under seal, $1 50; for entering judgment confessed, $1 50; for making up record, per line of twelve words, 1 cent.

Clerk of Oyer and Terminer.—For all services performed in any one prosecution, if paid by the party, $4; if paid by the county, $2.

Prothonotary of Common Pleas.—For issuing *levari facias* and *venditioni exponas*, $1 20; for issuing every other writ, docketing the same, and return, $1; for entering appearance, 7 cents; for entering special bail, 20 cents; for bail piece under seal, 33 cents; for entering surrender, 10 cents; for entering exonerator, 10 cents; for filing narr. plea, &c., on each, 7 cents; for filing reasons in arrest of judgment, and exceptions to report of referees, 6 cents; for filing all other papers of each party in one cause, and reading the same, if necessary, 20 cents; for every continuance, 7 cents; for every rule of reference for trial or other rule, 13 cents; for copy thereof under seal, 33 cents; for entering discontinuance, *retraxit* or *nonsuit*, 7 cents; for entering a writ quashed, 7 cents; for swearing jury and constable, and recording general verdict, 50 cents; for swearing each witness 5 cents; for every trial where there is a special verdict recorded, 67 cents; for recording each judgment, 13 cents; for entering arrest of judgment, 13 cents; for acknowledging satisfaction, 13 cents; for entering report of referees, 20 cents; for entering judgment thereon, 13 cents; for issuing subpœna and seal, 33 cents; for every name after the first, 33 cents; for every subpœna ticket, 10 cents; for copy narr. or plea, per line, 1 cent; for drawing list of special jury, attending, striking, and copies, 67 cents; for filing narr. in ejectment, docketing the cause, 33 cents; for entering confession of lease, entry, and ouster, 10 cents; for entering every motion, 7 cents; for calling plaintiff or defendant, and entering default, 20 cents; for entering *cesset executio*, 10 cents; for every search of record, 13 cents; for copy thereof, per line, 1 cent; for certificate and seal, 32 cents; for commission to take depositions out of the State, $1; for filing interrogatories, 13 cents; for copy thereof, per line, 1 cent; for taking and entering acknowledgment of sheriff's deed, recording certificate, and seal, $1; for entering judgment confessed, $1 20; for entering amicable suit, 26 cents; for filing petition of insolvent debtor, recording order and proceedings, $1; for issuing *certiorari* to remove justice's proceedings, 53 cents.

Clerk of Quarter Sessions.—For filing and entering every recognisance taken out of court, 25 cents; for calling recognisance and forfeiture, 10 cents; for respiting recognisance, 10 cents; for discharging forfeited recognisance, 10 cents; for docketing every indictment found by the grand jury, 33 cents; for entering discharge by proclamation, 13 cents; for each recognisance, 13 cents; for entering plea not guilty, 13 cents; for entering special plea or demurrer, 20 cents; for entering submission, 13 cents; for retracting plea, 7 cents; for entering *nolle prosequi*, 13 cents; for calling and attesting jury, 26 cents; for attesting each witness, 5 cents; for entering verdict and judgment, 13 cents; for entering arrest of judgment, 13 cents; for entering every motion and rule, 7 cents; for entering process awarded, issuing process, taking return, and recording, 67 cents; for issuing subpœna and ticket, 33 cents; for every name after the first, 3 cents; for reading, filing, and entering petition and order thereon, 25 cents; for copy of order to view a road, for every line, 1 cent; for seal, 7 cents; for reading and recording return, for every line, 1 cent; for order to open a road under seal, 67 cents; for performing all duties of clerk for each tavern license, $1; for copy of record, each line, 1 cent.

Sheriff.—For serving writs of arrest with commitment or bail-bond and return, $1 20; if more than one defendant, each 50 cents; for assigning bail bond, 13 cents; for serving summons in debt, copy narr. in ejectment, or copy of any other process, $1; for every defendant besides one, 50 cents; for serving *scire facias*, $1 20; for taking and filing replevin bond, attachment bond, or other indemnification, 33 cents; for travelling expenses each mile, 4 cents; for executing *fieri facias*, if money paid without sale, $1 20; for taking goods into custody, advertising and selling per pound, not exceeding one hundred, 7 cents; for every pound above one hundred, 4 cents; for keeping goods and chattels, fees to be regulated by the court in case of dispute; for selling lands levied on, or delivering them to the creditor, and making return for every pound, not exceeding one hundred, 7 cents; for every pound above one hundred, 4 cents; no poundage shall be paid for more than the real debt, &c.; for summoning and returning traverse jury in each cause that is tried, 40 cents; for summoning and returning special jury, to be paid by the party putting off or losing the cause, $2; for summoning jury of inquiry, &c., taking inquisition and return, $3; for executing writs and orders of partition or valuation, attesting jury and return, $3 33; if engaged more than one day, for each day's attendance after, $2; for summoning party to appear on partition, or summons of landlord against tenant, 75 cents; for poundage and commissions for receiving and paying money on attachment, *capias ad satisfaciendum*, or notice to recover rents, for every sum not exceeding one hundred pounds, 7 cents; for every pound above one hundred, 4 cents; but no poundage shall be paid for more than the real debt; turnkey's fees on commitment for any offence or criminal matter, to be paid on discharge of the prisoner, 67 cents; for sheriff's deed on sale of lands, $2 67; for acknowledging the same, 67 cents; for every criminal cause, $1 33; for every capital cause and *committitur* $3 33; for levying fines, &c., per pound, 7 cents; for making proclamation on divorce, $2; for serving witness with subpœna, 20 cents; for copy writ of arrest, for each line, 2 cents; turnkey's fees to be paid on discharge of a prisoner for debt above twenty pounds, 50 cents.

Sheriff.—For debt, if under twenty pounds, 33 cents; for serving process on indictment, $1 20; for serving citation and return in orphans' court, or register's court, 67 cents; for serving every attachment, $1 20; for executing *haberi facias possessionem, retorno habendo levari facias*, or *liberari facias*, each, $1 20; for returning of *non est inventus*, 25 cents; for *nulla bona*, 25 cents; for executing every death warrant, $12; to crier, for each action called in court, 10 cents.

Juries.—For every day's attendance at court, grand or petit, $1; for every inquisition on real estate, 26 cents; for inquisition of damages, 26 cents; for each day's attendance on view, or other service in the county, 50 cents.

Witnesses.—For each day's travelling to and from, and attendance at court, 50 cents; for each day's travelling to and from, and attendance before justice of the peace, 25 cents.

Clerk of Orphans' Court.—For reading and filing every petition or report, 13 cents; for entering thereof on record, 25 cents; for entering every judgment, order, or rule of court, 20 cents; for seal and certificate annexed to any copies for the use of the party, 33 cents; for copy of record, per line, 1 cent; for citation with seal, 33 cents; for subpœna with one name, 33 cents; for every name after the first, 4 cents; for every search, 10 cents; for entering appointment of guardians, 25 cents; for copy, certificate, and seal, 33 cents; for entry of settlement of accounts of executors, &c., 50 cents; for every copy thereof, not exceeding one hundred items, with certificate and seal, $1 25; for every additional item, 1 cent; for reading petition for pension, order, copy, and seal, 50 cents; for reading and filing petition of administrators, for sale of intestate lands, swearing or affirming them, and making the necessary orders thereon, 67 cents; for giving notice of sale, for every advertisement thought necessary by the court, 25 cents; for reading and filing petition for partition or valuation of intestate lands, and entering every order thereon, $2.

Register of Wills.—For the probate of a will, 67 cents; for registering the same, each line of twelve words, 1 cent; for bond of executors or administrators, and recording, $1; for filing and entering renunciation, 26 cents; for granting letters of administration, 75 cents; for annexing will, each line, 1 cent; for issuing citation, 26 cents; for entering *caveat*, 20 cents; for administering oath, 7 cents; for filing list of articles appraised, 13 cents; for filing list of articles sold at vendue, 13 cents; for examining, passing, and filing account of executor or administrator, $1 50; for copy, certificate, and seal, if not exceeding one hundred items, $1; for every additional item, 1 cent.

Coroner.—For viewing a dead body, $2 67; for summoning and qualifying inquest, drawing and returning inquisition, $1 33; for summoning and qualifying each witness, 20 cents, (to be paid out of the effects of the slayer, in case of murder or manslaughter, if he hath any; if not, by the county, with mileage from the court-house to the place of viewing the body;) for executing any process or writ of any kind, same fees as sheriff and mileage.

The prothonotaries or clerks of the supreme court, and the prothonotaries or clerks of the several courts of quarter sessions and common pleas, within the Commonwealth of Pennsylvania, furnish their accounts annually to the Comptroller and Register General; and of the amount of fees received during the space of one year, fifteen hundred dollars remain clear of tax, and the residue thereof is taxed seventy-five per cent.

The prothonotary of the supreme court of the eastern district, and the prothonotary of the common pleas of the city and county of Philadelphia, in addition to the above fifteen hundred dollars, are allowed five hundred clear of tax.

Attorneys in the Common Pleas.—For issuing *præcipe*, &c., in suits ended the first court, $1 67; if after the first court, the further sum of $1 66; for every suit prosecuted to judgment, discontinuance, $4; on appeals, if settled the first court, $1 33; if after the first court, $2; if judgment is rendered, &c., $3.

Fees in the supreme court double the amount of those in the common pleas.

STATE OF DELAWARE.

An Act for regulating and establishing Fees.

Be it enacted, by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the fees to be paid within this State shall be as hereinafter are ascertained, limited, and appointed, that is to say:

To the use of the State.—For a license to keep a public house of entertainment, and to sell all liquors, signed and sealed, $12; for a license for the same, and to sell all liquors except wine, $8; for a license to a hawker or peddler, travelling on foot, $4; for a license to such person travelling with one or more horses, $6; for a license of marriage, $2; for every impression of the great seal, in private cases, $1; for a commission for a sheriff or coroner, or writ of assistance to a sheriff, under the great seal, to be paid by the party, $10; for a commission for attorney general, register, recorder, or clerk, under the great seal, to be paid by the party, $10.

To the Secretary.—For drawing and engrossing a pardon or reprieve, under the great seal, to be paid by the party, $2; for every search, in private cases, 10 cents; for a certificate under the great seal to any instrument of writing, in private cases, to be paid by the party requiring the same, $1; for a certificate under his hand and seal of office, in private cases, 50 cents; for an exemplification of any record, roll, or paper in his office, in private cases, 1 cent per line of twelve words, to be paid by the party requiring the same. Every proclamation, commission of *dedimus potestatem* to qualify officers, commission to chancellor, judges of the supreme court and court of common pleas; every general commission of the peace, or commission for a single justice of the peace; every warrant for the execution of a criminal; all licenses to keepers of public-houses, hawkers, peddlers, or petty chapmen; licenses of marriage; all exemplifications of transcripts of records, rolls, or papers in his office; or other instruments which the public service of this State may require to be done *ex officio.*

To the Judges of the High Court of Errors and Appeals.—For taking bail out of court to prosecute a writ of error, $1.

To the Justices of the Supreme Court.—For allowing and signing, out of court, every *certiorari*, or *habeas corpus*, 33 cents; for taking a deposition out of court, drawn in form, 33 cents; for taking the acknowledgment of a deed, out of court, and certifying it under his hand, 60 cents.

To the Justices of the Court of Common Pleas: The same fees as are allowed to the justices of the supreme court for the like services.

To the Justices of the Peace.—For writing, signing, and sealing every warrant upon complaint, in criminal matters, 20 cents; for every *mittimus*, recognisance, or pass, 20 cents; for writing, signing, and sealing, every warrant for debt, attachment, arrest, or summons, 13 cents; for administering, and certifying at large, an oath or affirmation in proving specialties, notes, or accounts, against deceased persons, if drawn by the justices, 7 cents; otherwise, without fee or reward; for taking the acknowledgment of an indenture of apprenticeship, signing the same, and making a record thereof, 50 cents; for writing the assignment of a servant, signing the same, and making a record thereof, 20 cents; for taking a deposition or affidavit, drawn in form, 20 cents; for writing and signing a summons for witnesses, in all complaints, 7 cents for one witness, and not exceeding 13 cents for two or more; for signing judgment, 10 cents; for execution thereon, 13 cents; for viewing a force, 67 cents; for drawing a record thereof, 67 cents; for drawing a record in every case before them removed by *certiorari*, and returning the same, 33 cents.

To the Attorney General.—For the whole prosecution in every capital cause, to be paid by the party if convicted and able, but, if acquitted, to be paid by the county or party, as the court shall direct, $10; but if the bill be not found by the grand inquest, to be paid by the county, $2 40; for every other matter by bill of indictment, if found by the grand inquest, to be paid by the party, if convicted and able; but if not convicted, to be paid by the county or party, as the court shall direct, $2 40 cents; if not found, to be paid by the county, $1 20; for every attachment in the court of general quarter sessions of the peace and jail delivery, $1.

SEC. 8. To the Recorder of Deeds.—For recording, alphabeting, and comparing deeds and other writings, for each line of twelve words, 1 cent; for a copy or exemplification of any record in the said office, for each line of twelve words, 1 cent, to be paid by the party demanding the same; for searching any roll or record, 7 cents; for an endorsement or certificate on each deed proved and acknowledged, and every other certificate, and his hand and seal of said office thereto, 30 cents.

SEC. 9. To the Sheriff of each county.—For serving and making return of every summons, capias, or replevin, 47 cents; for serving every bench warrant or attachment for contempt, in vacation, 67 cents; for serving bench warrant or attachment issued returnable in term time, $1; for every writ of entry and return in a common recovery, 33 cents; for every writ of seisin, and return in the same, 33 cents; for taking goods into custody for safe-keeping when any part of the debt may be satisfied on such execution, 47 cents; for taking the body into custody for safe-keeping on an execution, 47 cents; for serving a summons, citation, subpœna, injunction out of chancery, orphans' court, or from the register for the probate of wills and granting letters of administration, 53 cents; for every proclamation of rebellion out of chancery, $1; for summoning and serving a witness with subpœna, and making return thereof, and mileage, 13 cents; for serving execution, and making return thereof, with an inventory and appraisement, &c., 80 cents; for every return of *non est inventus, nulla bona, nihil habet*, including mileage 20 cents; for copy of a summons, subpœna, &c., 13 cents; for delivery of a copy of declaration in ejectment, 27 cents, and mileage; in every other action, 7 cents; for every bail bond, replevin bond, or bond of indemnity, 33 cents; for mileage to and from the place of serving a writ, to be counted from the court-house, except where mileage is included, 2 cents; for turnkey fees on every *committitur*, when the person is actually in prison in the county jail, but not without, 27 cents; for a copy of a panel when demanded, 7 cents; for assigning every bail bond, 20 cents; for summoning the grand jury to attend for one year, $3; for summoning and qualifying two appraisers, to appraise goods taken in execution, including mileage, 53 cents; for advertising goods or lands for sale, to be paid by the party only in whose suits the said advertisements are made, for once advertising, and no more, 67 cents;* for selling goods or lands executed, or delivering to the creditors, and returning *fieri facias, venditioni exponas, liberari facias*, or *levari facias*, for any sum not exceeding fifty dollars, fifty three cents; and for all other debts, where the sum is above fifty dollars, three cents per dollar on the sale of personal estate, and two cents per dollar on the sale of real estate, for the whole debt and no more; and that no dollarage shall be paid for more than the real debt or damage due to the plaintiff named in the execution; and one cent per dollar on all prior judgments not on execution, paid off by money arising on the sale of lands by any execution, and that no dollarage shall be exacted in case there is not sufficient to satisfy the debt or damages, other than to the amount the goods or lands actually sold for; and that no creditor who may have had an execution laid on such goods or lands, or judgments on such lands, they being subject to prior executions or judgments, shall pay any dollarage, but for such sum as he or she actually receives on his or her debt; for summoning and inquiring into the value of rents, issues and profits of lands by two freeholders, making inquisition and return thereon, 67 cents, and mileage to the respective lands inquired on; for executing writs of *elegit*, summoning and qualifying the jury, and making return thereon, including mileage and the inquisition thereon, $4; for executing writ of inquiry of damages, and every other writ of inquiry, summoning and attesting the jury, and return thereof, including mileage, $3; executing writs of partition, summoning and attesting the jury, and making return thereof, including mileage, $4; for attending on the land to be divided, the first day, $1; for every day longer, 67 cents; serving a *venire facias* for a struck jury to attend on view and trial, including mileage, for serving a *venire facias* for a struck jury to attend on trial, $2;† for summoning and returning a jury, and annexing a panel to each *venire facias juratores*, 13 cents; for attending the first day, $1;* for every day longer, 67 cents;† for returning the *habeas corpora juratorum*, and *venire facias* thereon, 13 cents; for serving writs of attachment, taking the goods or lands, and making return, 67 cents and mileage; for levying the attachment in the hands of garnishees, and summoning them, 40 cents; for selling goods or lands upon an attachment, the same as on *fieri facias;* for executing precepts in cases of forcible entry and detainer, to wit; for summoning the jury and return, including mileage, $3; for attending the first day, $1; for every day longer, 67 cents; for serving a precept or writ of restitution, and mileage, $1 33; for executing a writ of estrepement for all services, besides mileage, $1 33; for levying fines and forfeitures, 2 cents per dollar; for whipping every person by judgment of court, 67 cents; for branding and pillorying a person, $1 33; for branding only, 67 cents; for pillorying only, 67 cents; for executing a sentence of death, $16; for every indictment tried or submitted, 67 cents; for summoning the members of the General Assembly, in their respective counties, on a writ from the Governor, $2, to be paid by the county.

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* See chapter 58, c. This allowance altered, "for advertising the first time, 60 cents; and for the second and third time, 45 cents each."

† See chap. 58, c. This allowance altered, to wit: serving a *venire facias* for a struck jury, including mileage, "$2."

In the Courts of Oyer and Terminer.—Making proclamation throughout the county, to be paid by the county, $2; for summoning the grand jury and petit jury, to be paid as above, $8; every *committitur* to be paid by the party, 53 cents; serving and returning every summons for a witness, 13 cents and mileage; attending on the said court during the sitting thereof, to be *ex officio*.

In the Court of Appeals.—For his attendance on the said court every day it is held, $1, to be paid by the State; same fees and mileage on writs, &c., as in the Supreme Court.

Sec. 10. *And be it enacted*, That none of the above fees shall be taken by any sheriff, on any execution issued by a justice of the peace.

Sec. 11. To the Clerk of the High Court of Errors and Appeals.—For writing, signing, &c., a writ of error, $1; for entering every action or appeal, 20 cents; for filing errors assigned, or causes of appeal, 13 cents; for reading the record, with all the proceedings below, 20 cents; for every *retraxit* actually filed, 13 cents; for every discontinuance or quashing of a writ of error or appeal, 13 cents; for entering every appearance at the first term, to be paid by the party appearing, 13 cents; for every imparlance or continuance, 13 cents; for entering every judgment, 20 cents; for writing every writ of restitution, *procedendo*, or other writ not before mentioned, $1; for entering every want of attorney or rule of court, 13 cents; for drawing a bill of costs, containing and specifying the particulars in words at length, and delivering the same to the party applying, 67 cents.

Sec. 12. To the Clerk of the Supreme Court and the Prothonotary of the Court of Common Pleas, in their respective courts.—For writing, signing, and sealing every *certiorari*, *habeas corpus*, *venire facias*, *habeas corpora juratorum*, writ of arrest, attachment, replevin, summons, or judicial writ, if drawn by the clerk, 47 cents; for entering every action or indictment, 4 cents; for filing every declaration or indictment, 4 cents; for copy of a declaration in any action or suit, made out and delivered, if required, 20 cents; for withdrawing or discontinuing every action, 4 cents; for every *retraxit*, if actually entered and filed, 4 cents; for filing every *demurrer*, plea, replication, and pleading subsequent and issue, in any action, to be paid by the party pleading, 7 cents; for filing record returned on a *certiorari*, 7 cents; for reading *certiorari* and return, 13 cents; for copy of every plea, replication, or pleading subsequent, to be paid by the party requiring the same, one cent for each line of twelve words; for calling the jury and attesting them, 13 cents; for attesting each witness on a trial, to be paid by the party producing such, 4 cents; for attesting the bailiff to attend the jury, 7 cents; for entering an arrest of judgment, to be paid by the party moving, 7 cents; for filing reasons in arrest of judgment, 3 cents; for recording every verdict, 13 cents; for entering a judgment, 7 cents; for entering every appearance at the first term, to be paid by the party appearing, 7 cents; for every imparlance or continuance, 3 cents; for entering a *committitur*, 3 cents; for admission of every guardian or next friend, and copy signed and sealed, 13 cents; for entering and filing every warrant of attorney, 4 cents; for drawing a bill of costs, containing and specifying the particulars in words at length, 7 cents; for acknowledging satisfaction of a judgment on record, 7 cents; for acknowledgment or proving of a deed in court, with a certificate signed and sealed, the whole business, 40 cents; for reading a deposition or affidavit, 3 cents; for recording a mark or brand, 13 cents; for search of a record, 7 cents; entering an appeal from the register or orphans' court, 7 cents; for filing exceptions, 7 cents; for filing record and proceedings returned, 7 cents; for every rule of reference, rule to plead, or other rule of court, 4 cents; for copy thereof, signed and sealed, 13 cents; for entering and filing every writ, original, or judicial, which by law is a returnable process, 4 cents; for taking and filing every affidavit in attachment or other matters, required to be done by him, 10 cents; for reading and entering a report of auditors, and filing the same, 7 cents; for entering on record the title of every deed acknowledged or proved in court, 7 cents; for entering and filing every recognisance of bail, 7 cents; for a copy of the same, with seal and certificate signed, 13 cents; for adjudication of a debtor to serve his creditors, and all proceedings relating thereto, 67 cents; for copy thereof, with seal and certificate signed, 33 cents; for reading and entering every petition, and order thereon for a sheriff to convey lands sold by any former sheriff, 67 cents; for copy thereof, with seal and certificate signed, if required, 67 cents;

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* See chap. 58, c. This allowance is increased to 20 cents.

† These allowances are made only in cases of attendance of sheriff in laying down pretensions, in cases of trespass or ejectment, for which see chapter 58, c.

for an exemplification in every common recovery under seal, $2; for entering, recording, and filing all the proceedings therein, $1 33; for writing, signing, and sealing every subpœna to give evidence, containing the names of four persons, to be paid by the party summoning, 33 cents; for every subpœna containing a less number, to be paid as above, 20 cents; for drawing out a list of forty-eight names from the sheriff's book of freeholders, for a special or struck jury, and all his services in striking the same, 40 cents; for copy of every record or other proceeding, for every line, twelve words to a line, 1 cent; for signing any writing not before enumerated, or where it is not written by the clerk, 7 cents; for affixing the seal of office to any writing not before enumerated, 13 cents; for entering up judgment by warrant of attorney, and all the services thereon, 67 cents; for confession of a judgment on an amicable suit, and all the services thereon, 50 cents; for recording a *testatum fieri facias*, 40 cents.

Sec. 13. And to the Clerk of the Supreme Court in the Court of Oyer and Terminer and General Jail Delivery, double the fees allowed the Clerk of the General Quarter Sessions of the Peace and Jail Delivery. (For these see after section 18.)—And for writing, signing, and sealing a precept for holding a Court of Oyer and Terminer, and general jail delivery, to be paid by the county, $1; for making a complete transcript of the whole record on a conviction for a capital offence, to be sent to the Governor, $2.

Sec. 14. And that the fees belonging to the Register of the Courts of Chancery shall be as follows, viz:—For writing, signing, and sealing every original writ, 40 cents; for every subpœna, *ad respondendum*, or other subpœna, with four names, if required, 33 cents; if only one name, 20 cents; for every attachment under seal, 47 cents; for every commission of rebellion, under seal, 80 cents; for every *audita querela* or writ of sequestration, if drawn by the clerk, under seal, 67 cents; for every writ of injunction, *habeas corpus*, or *ne exeat*, 47 cents; for a writ of execution of a decree, and seal, 67 cents; for entering every appearance, 7 cents; for writing and filing every decree, 1 cent per line of twelve words; for entering every dismission, 7 cents; for filing every bill, plea, answer, *demurrer*, replication, or rejoinder, 7 cents; for filing every affidavit, 4 cents; for filing interrogatories, depositions, per sheet, 7 cents; for filing a petition, 7 cents; for every rule, order to plead, answer, or *demurrer*, reply, or other rule, 7 cents; for a commission to examine witnesses, under hand and seal, 67 cents; for recording in books, by him provided for that purpose, of commission or deposition of witnesses, 1 cent per line, twelve words in a line; for a *dedimus potestatem*, 40 cents; for searching for every order or decree, 7 cents; for copy of any bill, answer, replication, decree, affidavit, order, &c., or of any deeds, papers, letters, or accounts, left with him pursuant to an order of court, with certificate under hand, 1 cent per line, twelve words to a line.

Sec. 15. And that the fees belonging to the Clerk of the Court of the General Quarter Sessions of the Peace and Jail Delivery, shall be as follows, viz:—For writing, signing, and sealing every warrant of the peace or good behaviour, requiring to bring sureties, if drawn by the clerk, 10 cents; for writing, signing, and sealing every common warrant or *mittimus*, if drawn by the clerk, 13 cents; for every recognisance, if drawn by him, 10 cents; for every recognisance returned by a justice or conservator of the peace, 4 cents; for entering and filing an indictment, 4 cents; for copy thereof, if required, 13 cents; for making out process against the defendant upon an indictment, and fixing seal, 27 cents; for discharge of every person upon bail for the peace, good behaviour, contempt, or indictment returned ignoramus, 4 cents; for every plea of not guilty, 4 cents; for entering special plea or demurrer, 4 cents; for entering every submission, 7 cents; for calling the jury and attesting them, 13 cents; for attesting each witness on every trial, 4 cents; for entering every verdict, 10 cents; for entering every judgment, 4 cents; for copy of every judgment, with certificate, signed and sealed, 20 cents; for respiting a recognisance, 4 cents; for every writ of restitution, signed and sealed, 33 cents; for reading, entering, and filing every petition, 20 cents; for reading and filing the return of a road, 13 cents; for recording the same, or a copy thereof, 1 cent per line; for entering *nolle prosequi*, 7 cents; for a *similiter* to join issue, 7 cents; for a *venire facias*, signed and sealed, 20 cents; for reading the indictment and arraigning the criminal, 4 cents; for continuing the cause, 4 cents; for reading every deposition on trial, 4 cents; for entering the allowance of certiorari, writ of error, or procedendo, 4 cents; for entering a rule upon motion to arrest judgment, 7 cents; for entering every *committitur*, 13 cents; for entering the arrest of judgment, 7 cents; for an habeas corpus, signed and sealed, 20 cents; for drawing up and examining every record of all the proceedings upon an indictment, in a book of good paper, for every line containing twelve words, 1 cent; for copy thereof, 1 cent per line of twelve words; for making out the estreats for levying fines and forfeitures, 3 cents; for writing every recommendation for license to keep a public house, inn, tavern, or alehouse, 13 cents; for a process against a master to answer the complaint of an apprentice, or servant, signed and sealed, 20 cents; for writing, signing, and sealing every subpœna to give evidence, containing the names of four witnesses, 33 cents; and for every lesser number, 20 cents; for bills of costs, containing and specifying the particulars in words at length on each indictment, 7 cents; for writing, signing, and sealing every judicial writ in criminal causes, 20 cents; for every search, to be paid by the party, 7 cents; for his hand to any writing, other than as above-mentioned, 7 cents; for affixing seal of said office to any writing other than as above-mentioned, 7 cents; for reading every petition or other paper to the court, not before-mentioned, to be done *ex officio*.

Sec. 16. And that the fees belonging to the several Registers in this State shall be as follows, viz: For granting letters of administration, with seal, and registering the same, and taking bond, $2; but if the estate be under eighty dollars, then half fees, and no more; for proving a will, with copy and seal, and recording the same, $2 27; for letters testamentary, with seal, and registering them, $1 07; for drawing, taking, and filing every bond to be given by executors, 53 cents; for every citation or attachment, with seal, 40 cents; for entering every citation, 4 cents; for filing an inventory, 7 cents; for copy of an inventory, for every line, 1 cent; for a search, 7 cents; for a copy of letters of administration, administration bond, or letters testamentary, being signed and sealed, 53 cents; for a caveat, 13 cents, for every renunciation entered in the office, 23 cents; for a copy of any record, paper, account, or will, to any person requiring the same, 1 cent per line, twelve words to a line; for appointing and qualifying two freeholders as appraisers, or warrant to swear them, 10 cents; for administering an oath or affirmation to executors, administrators, or subscribing witnesses to a will, to be done *ex officio*; for administering an oath or affirmation to any other witness, 7 cents; for taking a deposition in writing in any cause before him, 20 cents; for definitive sentence in any case before him, and recording the same, 53 cents; for every interlocutory order, 30 cents; for affixing his hand to any certificate not before mentioned, 13 cents; for filing every account, 7 cents; for adjusting and settling an executor, or administrator, or guardian's account, examining and casting up the inventory and appraisement, entering the order and final sentence thereon, making the calculations and distribution on said account, and making a record of such settlement, if such account be one hundred and twenty dollars, $1; if under eight hundred dollars, $2; and it above eight hundred dollars, $3; for writing, signing, and sealing every subpœna to give evidence, containing the names of four persons. to be paid by the party summoning, 33 cents; and for every subpœna containing a less number, to be paid as above, 20 cents; for entering and filing every writ, which is by law a returnable process; 4 cents; for affixing the seal of office to any writing, not hereinbefore enumerated, 13 cents.

Sec. 17. That the fees belonging to the several Clerks of the Orphans' Courts in this State shall be as follow, viz:—For reading and filing a petition, 7 cents; for reading a will or inventory, 4 cents; for entering an order of court or final sentence, 10 cents; for reading letters of administration or testamentary, 4 cents; for the appointment of a guardian, taking bond, recording same, with a copy, under seal, 40 cents; for binding an orphan, with a copy, under seal, 33 cents; for reading, entering, and filing a petition for a division, or valuation, or sale of lands, &c., and order thereon, 20 cents; for recording and copying the same, 1 cent per line; for filing an appeal, and exceptions on an executor, administrator, or guardian's account, entering the order and final sentence, making the calculation and distribution on said account, filing the same, and all other services, 67 cents; for entering every order of court, 4 cents; for entering an acceptance and assignment of lands at the valuation, 7 cents; for drawing and taking a recognisance at large, in the name of the State, from any person accepting lands and tenements on a valuation, 20 cents; for each advertisement for sale of land, 7 cents; for every citation, signed and sealed, 20 cents; for qualifying every witness brought before the court, 4 cents; for every attachment for contempt, 20 cents; for every subpœna, containing the names of four persons, 33 cents; less than four, 20 cents; for recording every other matter and thing in the same court, copy of an administrator's account, or other record, when required, for every line, not less than twelve words, 1 cent per line; for the seal of office to any writing not before enumerated, if required, 10 cents; for certificate to any copy not before enumerated, 7 cents; for every search, 7 cents; for every bill of costs, containing and specifying the particulars, 7 cents; for reading and filing every return of division, valuation, or sale of lands, 20 cents.

Sec. 18. Attorney at Law.—For every writ, if drawn by the attorney, 40 cents; for every appearance, for either plaintiff or defendant, in a suit, $2 60; for every appeal bond for prosecuting an appeal in the court of appeals, one dollar; for every appeal bond for prosecuting an appeal from the orphans' court, one dollar; for drawing every warrant of attorney, thirteen cents; for giving oyer of a bond or other oyer, one cent per line, twelve words to a line, to be paid by the party craving oyer; for drawing out the general issue, 10 cents; for all pleadings in a cause subsequent to a declaration, to be paid by the party pleading, every line of twelve words, injunction, prohibition, &c., 1 cent; for declaration, plea, &c., by warrant of attorney, $2 67.

Sec. 19. And that the fees belonging to the Notaries and Tabellions Public for this State shall be as follow, viz:—For registering a bill of exchange, promissory note, or bank note, 20 cents; for registering a foreign sea protest, $1; for registering an obligation, letter of attorney, or writing of the usual length of one of these, with a probate, under seal, and certificate, $1; for registering a bill of sale, probate, &c., 80 cents; for registering a foreign bill of exchange, protested, with a certificate, 67 cents; for a certified copy of such protest, sixty-seven cents; for drawing and registering a common sea protest, with seal, sixty-seven cents; for drawing and registering a protest against a merchant or merchants for detaining a ship beyond proper time, with answer and persistance to protest, with seal, and registering, $4; for a certified copy of a common sea protest, under seal, $1 67; for a certified copy, under seal, of protest against a merchant, &c., $2; for attestation to a letter of attorney, obligation, &c., under seal, 60 cents; for notarial affidavit to an account, under seal, 53 cents; for protest of a bill of exchange for non-acceptance for non-payment, or promissory note for non-payment, and registering seal, &c., 80 cents.

Sec. 20. That the fees belonging to the Clerks of the Senate and House of Representatives shall be as follows, viz:—For reading every petition of a private nature, and the several entries attendant thereon, to be paid by the party, 50 cents; for copy of every petition, when required, with the names of the signers thereof, and certificate, 50 cents, to be paid as above; for copy of every order of the House in private matters, and certificate, 23 cents, to be paid as above; for copy of any papers filed in the House, when required, for every line, twelve words to a line, 1 cent per line; for certificate thereto, 7 cents; for every search in private matters, 7 cents; for engrossing a bill, for every sheet, 2 cents per line of twelve words; for every day's attendance as clerk, transcribing, &c., $2 per day, and no more.

Sec. 21. And the fees belonging to the Sergeant-at-Arms shall be as follows, viz:—For serving every order, $1; for taking any person into custody, 33 cents; for travelling charges, per mile, 2 cents going, and the same returning; for every day's attendance on any person, where committed, 26 cents.

Sec. 22. Fees to the Doorkeepers of the respective Houses.—For every day's attendance, $1.

Sec. 23. To the Bell-ringer of the General Assembly.—For each day, 33 cents.

Sec. 24. Fees to the Coroner of each county.—For viewing the body of any person slain or murdered, to be paid out of the goods and chattels, lands and tenements, of the murderer or slayer, if he hath any; but if he hath not, by the county, besides mileage, from the court-house to where the body is found, $1; for summoning and qualifying the inquest, drawing and returning the inquisition, including mileage, $2; for summoning and qualifying each witness, and mileage from the place where the body is found, 33 cents; for taking examinations or depositions of witnesses in writing, for each, 20 cents; for taking every recognisance, 10 cents; for summoning or arresting the sheriff, or any other person where he is party, executing a writ of *fieri facias*, or other execution, the same fees as are allowed the sheriff in like cases; for travelling charges, 12 cents per mile.

Sec. 25. To the Crier.—For every action entered in the supreme court and in the court of common pleas, 13 cents; for every suit in the court of appeals, 67 cents; for calling each witness on a trial, 2 cents; for calling a jury sworn at the bar, 7 cents; every indictment, 13 cents; calling a nonsuit, 7 cents; calling a default, 7 cents; every attorney admitted on record, $1; every common recovery suffered in court, 40 cents; every prothonotary, sheriff, clerk of the peace, or clerk of the supreme court, the first time after they undertake the execution of their respective offices, $1; clearing every person by proclamation, 7 cents; for every judgment in the orphans' court, each 10 cents; opening and adjourning the court, to be paid by the county, 7 cents.

Sec. 26. To the Surveyors of Lands.—For each day's attendance as a surveyor on view of land, or other service required to be performed by any act of Assembly of this State, for each day's necessary attendance, $2; for every map, plot, or draught, with explanatory notes, such sum as the court shall allow.

Sec. 27. To the Chain Carriers.—For each day with accommodation, 50 cents.

Sec. 28. And that the fees belonging to the jurors and inquests within this State shall be as follow, viz:—For trying all actions on issue joined, each juror sworn or affirmed, 13 cents; for every inquisition on writ of inquiry of damages, elegit, partition, inquest of office, or any other inquiry, each per diem, 33 cents; for every inquisition made by the coroner, or other proper officer, on view of a dead body, to each juror, 33 cents; for each juryman summoned, and attending on view, per diem, 33 cents; for each juror or freeholder appointed by the orphans' court, to divide or value lands under the intestate act of this State, or to view and make an estimate of the annual value, &c., of minors' lands, under the act for amending the laws relating to testamentary affairs, and for the better settling intestates' estates, 50 cents per diem; for every auditor appointed by rule of court, for making report or award, 67 cents; for every day after the first, 33 cents.

Every bailiff or constable attending the grand jury, 50 cents per diem, to be paid by the county.

Attending each petit jury on a trial, till they give in a verdict, 23 cents, to be paid by the party.

The sheriff and every inspector and clerk sworn and attending the general elections in each of the counties, $1 50 per day, and no more, to be paid by the county.

Every constable who shall attend the court of oyer and terminer and general jail delivery, or court of general quarter sessions of the peace and jail delivery, not exceeding three, to be selected by the court, 50 cents per diem.

Every grand juror summoned and sworn, for every day of his attendance and service in any of the courts of this State, provided he is sworn or affirmed before the charge is given, to be paid by the county, 80 cents.*

Every petit juror summoned, for every day of his attendance, provided he appears at every calling of his name by order of the court, to be paid by the county, 80 cents.†

Every witness, for every day of his or her attendance in any of the courts of this State, if he or she resides out of the county from whence the summons issues, 80 cents; and if in the county, 53 cents.‡

Every witness, for every day's attendance before a justice of the peace, 20 cents, and no more.

Sec. 29. *And be it enacted*, That the act entitled "An act to increase the daily allowance of grand and petit jurors and witnesses," is hereby repealed, made null, and void.

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* An additional allowance of three cents per mile from place of abode to court-house, for each day of their attendance, in chap. 104, c.

† A like additional allowance in chap. 104, c. as in preceding note.

‡ In said chap. 104, c. like additional allowance as to jurors before.

SEC. 30. To the Sheriff for serving executions issued by a Justice of the Peace.—For all executions for debts not exceeding fourteen dollars, the sum of forty cents; for all executions on debts above fourteen dollars, and not exceeding thirty-two dollars, at the rate of five per cent. on the sum actually levied and raised; and that no mileage or other fees shall be paid or allowed to any sheriff on any execution issued by a justice of the peace.

SEC. 31. Appraisers appointed by the register for the probate of wills and granting letters of administration, for any estate not exceeding one hundred and thirty-six dollars, by them appraised or valued, shall have and receive at the rate of two cents for every dollar; and for all estates above one hundred and thirty-six dollars, and not exceeding three hundred dollars, at the rate of one cent for every dollar: and for all estates exceeding three hundred dollars, at the rate of one cent for every three dollars, and no more.

SEC. 32. *And be it enacted*, That the act entitled "An act for appraisement of goods taken in execution," shall be, and is hereby, repealed.

SEC. 33. To a Constable for serving a warrant or summons in cases of debt.—For every warrant or summons, including mileage, and all services, except summoning of witnesses, until judgment is obtained, 32 cents; for summoning witnesses or auditors for the trial of any matter before a justice of the peace, 10 cents each, and mileage; for serving every warrant in criminal matters, including mileage, 50 cents; for summoning every witness, 10 cents, and mileage; for conveying any person to jail under a commitment, 20 cents, and mileage.

STATE OF MARYLAND.

April session, 1715, ch. 48, s. 7.

Fees allowed to Attorneys at Law in the courts of law and equity in the State of Maryland.—There shall be paid to any attorney or other person practising the law in any of the county courts of this province, for bringing, prosecuting, or defending any action, of what nature or quality soever, to final judgment, agreement, or other end thereof, the sum of one hundred pounds of tobacco, unless the principal debt and damage, or balance of any debt and damage sued for and recovered, do exceed the sum of two thousand pounds of tobacco or ten pounds sterling; that then the said attorney shall have two hundred pounds of tobacco, and no more; and to any attorney or other person practising the law in the provincial court, high court of chancery, commissary's court, or for prosecuting or defending any appeals, writs of error, or any other matter or thing whatsoever, before his Excellency the Governor and Council, the several sums hereafter expressed and set down; that is to say, for prosecuting or defending any cause, plaint, or action, of what nature soever in the provincial court,* to final judgment, agreement, or other end thereof, the sum of four hundred pounds of tobacco, and no more; for any fee in the high court of chancery, and court of vice-admiralty, six hundred pounds of tobacco, and no more; for any fee in the commissary's court, four hundred pounds of tobacco, and no more; for any fee upon any writ of error or appeal which shall be before his Excellency the Governor and Council,* six hundred pounds of tobacco, and no more; and to His Majesty's attorney general for any action in the provincial court, at the suit of His Majesty, indictment, presentment, or information, the sum of four hundred pounds of tobacco, and no more.

November session, 1805, ch. 65, s. 16.

That all attorneys practising in the court of appeals of this State shall be entitled to receive the same fees as attorneys were entitled to receive in the late General Court.

The following fees are allowed to the several officers hereinafter mentioned by the act of November, 1770, ch. 25, to wit:

To the Register in Chancery.—A subpœna *ad respondendum*, with not more than three names and return, 12 pounds of tobacco; every name more than three, 2 pounds; an injunction, and return, 38 pounds; a writ of sequestration, and return, per side, and so pro rata, 8 pounds; an *audita querela*, and return, 86 pounds; filing every bill in chancery, 20 pounds; every court the same shall continue to be charged to the complainant only, 20 pounds; filing every answer in chancery, 17 pounds; every oath to the same if taken in court, 6 pounds; recording every return of commission and deposition, per side, and so, pro rata, 8 pounds; a writ of *ad quod damnum*, and return, per side, and so pro rata, 8 pounds; every order on motion, 12 pounds; for a *ne exeat*, and return, 64 pounds; for drawing any matter or thing not mentioned that passeth the seal, if it exceeds one side, computing seven words to be a line, and fifteen lines to a side, and so pro rata, 8 pounds; for recording the same, per side, as before, 8 pounds; search the first year, nothing; for all searches above one year, if the matter searched be found and no copy taken, 15 pounds; if copy taken, no charge for the search; for filing every plea in chancery if not recorded, 4 pounds; for filing every demurrer in chancery, if not recorded, 4 pounds; for recording the same per side, and so pro rata, 4 pounds; an attachment of contempt, and return, 8 pounds; a proclamation of rebellion, and return, 64 pounds; a commission of rebellion, and return, 64 pounds; filing accounts, books of accounts, bonds, deeds, or other papers or writings, referred to and made part of any bill in chancery, plea, answer, or other pleadings or process thereupon, if not recorded, 4 pounds; for recording the same, per side, and so pro rata, 4 pounds; for filing every return of commission and deposition, if not recorded, four pounds; for recording the same, per side, and so pro rata, four pounds; for filing every deposition taken in court of chancery without commission, if not recorded, four pounds; for recording the same, per side, and so pro rata, four pounds; filing every petition in chancery and order thereon if not recorded, 4 pounds; for recording the same, per side, and so pro rata, 4 pounds; filing every bond with or without security if not recorded, 4 pounds; for recording the same, per side, and so pro rata, 4 pounds; for every subpœna with not more than three names and return, 12 pounds; for every name more than three, two pounds; a commission to examine evidences, per side, and so pro rata, 8 pounds; for copy of any matter or thing herein before-mentioned, if required and delivered, per side, and so pro rata, 8 pounds.

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* This court was afterwards called "The General Court."

* This court was afterward organized, and called "The Court of Appeals."

To the Clerks of the General Court on the Western and Eastern Shores, respectively.—A *recordari* and return, 6 pounds of tobacco; a writ of inquiry of damages and return, per side, and so pro rata, 8 pounds; for entering an appeal, eight pounds; a commission to take acknowledgments and return, 64 pounds; a writ of covenant to pass a fine, and return, 8 pounds; a writ of assize, and return, 51 pounds; a writ of *melius inquirendum* or *monstraverunt*, and return, 64 pounds; any warrant or license, 8 pounds; any other pass or discharge, 8 pounds; writing a sheriff's commission, bond, and recording it, 150 pounds; for filing every special plea and every other pleading to making up the issue for each if not recorded, 4 pounds; for recording the same, per side, and so pro rata, 4 pounds; for filing every account, if not recorded, 4 pounds; for recording the same, per side, and so pro rata, 4 pounds; for filing plots or warrant of survey out of the General Court, and depositions if not recorded, 4 pounds; for recording depositions, per side, and so pro rata, 4 pounds; taxing and filing bill of costs, 8 pounds; a copy thereof, if demanded, with the articles at large, 8 pounds; issuing every execution, and filing the same, and return, without any charge for copy of judgment, 14 pounds; *habere facias possessionem*, and return, 16 pounds; a writ of *posse comitatus*, and return, 51 pounds; a writ of discharge, if any, and return, 51 pounds; writing and recording a commission for every county court, 210 pounds; issuing and filing every common writ and return, 12 pounds; filing every declaration if not recorded, 4 pounds; for recording the same, per side, and so pro rata, 4 pounds; every appearance entered of either party in the General Court, six pounds; entry of defendant's imparlance, four pounds; a continuance or reference to be charged to the plaintiff only 4 pounds; making up the issue or issues in every suit, when done by the clerk, 20 pounds; rule to plead for trial when ordered by the court, 4 pounds; a *venire facias* for jurors, if issued by the order of the court, 16 pounds; a copy of the panel, 4 pounds; entering panel, 4 pounds; entering every verdict, 4 pounds; entering and signing judgment, 26 pounds; a short copy of the judgment, if demanded, 16 pounds, a transcript of the whole proceedings, per side, and so pro rata, 8 pounds; *scire facias* on a judgment, per side, and so pro rata, without any charge for search or copy of judgment, 8 pounds; *scire facias* against special bail, per side, and so pro rata, without any charge for search or copy of judgment, 8 pounds; a replevin, and return, 12 pounds; a *procedendo*, and return, 16 pounds; a writ of restitution, and return, 16 pounds; drawing *dedimus potestatem* to examine evidences, 32 pounds; a *habeas corpus*, and return, 22 pounds; an elegit, and return, 22 pounds; a warrant of survey, and return, 32 pounds; a *certiorari*, and return, 32 pounds; a commission of *audita*, and return, 32 pounds; a writ of diminution, and return, 16 pounds; a writ of error to the county court, and return, 38 pounds; a *scire facias* thereupon, and return, 16 pounds; a *supersedeas* thereupon, and return, 16 pounds; entering an acknowledgment of deed of conveyance in court, six pounds; recording a conveyance, per side, and so pro rata, 8 pounds; filing every recognisance taken out of court, if not recorded, 4 pounds; recording the same, per side, and so pro rata, 4 pounds; taking every recognisance in court, with or without sureties, 4 pounds; appearance of the principal to every recognisance, 8 pounds; for filing or taking every special bail in or out of court, 8 pounds; an attachment with *scire facias*, and return, 26 pounds; discharging every recognisance with or without security, 12 pounds; a copy of every recognisance, 12 pounds; every process to apprehend a criminal, issued by order of court, and return, 16 pounds; appearance of the person charged to every indictment or verdict, 8 pounds; *scire facias* against security for cost on a recognisance, per side, and so pro rata and return, without any charge for search or other matter, eight pounds; swearing every jury, 46 pounds; swearing every bailiff, 4 pounds; every oath taken in court, four pounds; *duces tecum*, and return, per side, as before, 8 pounds; affixing the seal of the court to the copy of any judgment or a transcript of any judgment or any record or certificate, 12 pounds; taking security on condemnation on attachment, 6 pounds; a writ of restitution, per side, and so pro rata, 8 pounds; entering action agreed, struck off, or abated, 2 pounds; a *scire facias* on a *certiorari*, per side, and so pro rata, 8 pounds; a *scire facias* on *audita querela*, per side, and so pro rata, 8 pounds; commission to examine evidences, per side, and so pro rata, 8 pounds; an attachment on non-compliance with the common rule in ejectment, per side, and so pro rata, eight pounds; a general court commission, per side, and so pro rata, eight pounds; a summons in partition per side, and return, and so pro rata, eight pounds; a writ of partition, and return, per side, and so pro rata, eight pounds; an attachment in partition and return, per side, and so pro rata, eight pounds; an *habere facias seisinam*, and return, per side, and so pro rata, eight pounds; every respite and continuance, 14 pounds; every order in criminal cases, 8 pounds; every indictment, per side, and so pro rata, 8 pounds; a copy of every indictment, per side, and so pro rata, 8 pounds; filing plea to the same, 8 pounds; recording the same, per side, and so pro rata, 8 pounds; confession to every indictment, 8 pounds; every indictment, after the first name, 10 pounds; allowance of a writ of error, 10 pounds; rule of trial, eight pounds: recording the verdict, 4 pounds; entering conviction and signing judgment, 25 pounds; every death warrant, 36 pounds; a writ of withernam, and return, 25 pounds; a writ of estrepement, and return, 25 pounds; for issuing commission to trustees under the act for regulating attachments, per side, and so pro rata, 8 pounds; filing same, and the return and proceedings of the trustees, 8 pounds; attachment of contempt, per side, 8 pounds; writ of dower, per side, 8 pounds; summons in dower, 8 pounds; for entering admission of guardian or next friend, 8 pounds; for entering commitment, 8 pounds; for entering suggestion of death, 4 pounds; for filing warrant of attorney, 4 pounds; entering award of execution, 8 pounds; filing bail piece, 4 pounds; filing *supersedeas*, 4 pounds; subpœna *ad justificandum*, 8 pounds; a *retorno habendo*, and return, per side, and so pro rata, 8 pounds; a writ of *distringas*, and return per side, and so pro rata, 8 pounds; a commission of oyer and terminer, per side, and so pro rata, 8 pounds; a commission of jail delivery, per side, and so pro rata, 8 pounds; a *dedimus potestatem* to swear the judges of assize or sheriff, per side, and so pro rata, 8 pounds; a writ of publication to the laws, 12 pounds; search the first year, nothing; for all searches above one year, if the matter searched for be found, 14 pounds; for recording or copying any matter or thing in this table enumerated, for which no other allowance hath been already made, and not prohibited to be recorded, per side, and so pro rata, 8 pounds; appearance and surrender in discharge of bail, eight pounds; filing every affidavit, 4 pounds; entering every default on recognisance, 4 pounds; entering list of common law fines, per side, and so pro rata, 8 pounds; for copy thereof, per side, and so pro rata, 8 pounds; for entering security for costs, 8 pounds; copy of orders for witnesses' attendance, 4 pounds; for entering *amerciament* on sheriff or coroner, on mesne process, 8 pounds; filing award, 4 pounds; for recording the same, per side, and so pro rata, 9 pounds.

To the Clerks of the County Courts.—For issuing every common writ and return, 10 pounds of tobacco; filing every declaration, if not recorded, 2 pounds; a copy of the same, if demanded, per side, and so pro rata, 4 pounds; every appearance entered of either party, 4 pounds; entry of imparlance, 2 pounds; for every continuance or reference, to be charged to the plaintiff only, three pounds; every subpœna, including all persons, applied for at the same time, 6 pounds; rule to plead, or trial moved for and entered, 2 pounds; for making up the issue or issues in every suit, when done by the clerk, 6 pounds; entering and signing judgment, 15 pounds; a *venire facias* for jurors, if issued by the court, 6 pounds; entering the panel, 2 pounds: copy of panel, two pounds; taxing and filing bill of cost, five pounds; copy thereof, if demanded with the articles at large, 5 pounds; issuing every execution, and filing the same, without any charge for copying judgment, 10 pounds; for filing every special bail, taken in or out of court, two pounds; a writ of inquiry of damages, per side, and so pro rata, 4 pounds; for entering an appeal, 4 pounds; a return of a *certiorari* or *habeas corpus*, and copy of the record, per side, and so pro rata, four pounds; entering a writ of error, 4 pounds; every oath taken in court, 3 pounds; proving a deed or writing, 4 pounds; a copy of the same, if required, per side, and so pro rata, 4 pounds; for entering *fieri facias*, where the same is executed, and schedule returned, but in no other case, per side, and so pro rata, 4 pounds; the same fees in elegits, 4 pounds; recording the mark of cattle or hogs, 3 pounds; taking and certifying acknowledgments of land in court, five pounds; recording a conveyance of land, per side, and so pro rata, 4 pounds; allowance of *habeas corpus*, 4 pounds; for all searches the first year, nothing; for all searches above one year, be the time of what length soever, if the matter searched for be found, 10 pounds; if copy taken, then, per side, and so pro rata, 4 pounds; every *scire facias*, per side, and so pro rata, without any charge for search or copy of judgment, 4 pounds; attachment on *scire facias*, 18 pounds; short copy judgment, if expressly demanded, 10 pounds; *habeas corpus*, and filing the same, and return, 8 pounds; elegit, and filing the same, and return, 8 pounds; *duces tecum*, and return, 40 pounds; taking security on condemnation, 8 pounds; entering action agreed, discontinued, struck off, or abated, two pounds; commission to examine evidences, and return, per side, and so pro rata, 4 pounds; a continuance or reference to be charged to the plaintiff only, two pounds; for filing every special bail, 2 pounds; if recorded, per side, and so pro rata, 4 pounds; for filing every replication, 3 pounds; if recorded, per side, and so pro rata, four pounds; for filing joinder, surrejoinder, two pounds; if recorded, per side, and so pro rata, four pounds; and for every other pleading for making up the issue for each, 2 pounds; if recorded, per side, and so pro rata, 4 pounds; for filing demurrer and joinder in demurrer, each, 2 pounds; if recorded, per side, and so pro rata, 4 pounds; for filing every account, 2 pounds; if recorded, per side, and so pro rata, 4 pounds; for recording or copying any matter or thing not herein enumerated, if requested by the party, for which no other allowance hath been already made, per side, and so pro rata, 4 pounds; for entering return of every writ or other process, 2 pounds; for filing every paper not herein before mentioned, 2 pounds; for every rule, by order of court, 2 pounds.

Criminal Fees.—Filing every recognisance taken out of court, if not recorded, 2 pounds; for taking every recognisance, with or without sureties, in court, 3 pounds; appearances of the principal to every recognisance, 5 pounds; discharging of recognisance, with or without security, 8 pounds; every process to apprehend a criminal, issued by order of court, 10 pounds; every appearance of the person charged to every presentment or indictment, 5 pounds; every respite and continuance, 5 pounds; for every order, 4 pounds; a copy of recognisance, with or without security, 8 pounds; for filing every indictment or information, 5 pounds; for recording the same, per side, and so *pro rata*, 2 pounds; a copy of the panel, 2 pounds; for recording the verdict, 10 pounds; entering and signing judgment, 15 pounds; a copy of the indictment, per side, and so *pro rata* 5 pounds; entering a plea 5 pounds; confession of indictment 5 pounds; for recording or copying any matter or thing not herein enumerated, if requested by the party, for which no other allowance hath been already made, per side, and so *pro rata*, 4 pounds; for copy of every matter not hereinbefore enumerated, per side, and so *pro rata*, 4 pounds; for entering the panel, 2 pounds; for issuing every warrant of execution 8 pounds.

By November, 1787, ch. 34, there shall be a deduction of one-fourth part from all officers' fees allowed by this act, which are chargeable by law to the State, or any county, except sheriff's fees, for the imprisonment of persons criminally charged.

Chancery proceedings in County Courts.—Entering motion, and order thereon, 4 pounds; entering and signing decree, 15 pounds; taxing and filing costs, 5 pounds; copy costs, with articles at large, if demanded, 5 pounds; affixing the seal to any transcript or certificate, 5 pounds; filing every bill, 2 pounds; filing every answer, 2 pounds; filing every plea, 2 pounds; filing every demurrer, 2 pounds; filing accounts, book of accounts, bonds, deeds, or other papers or writings referred to, or made part of any bill in chancery, answer, or other pleadings or process thereupon, for each, 2 pounds; filing every return of commission and depositions, 2 pounds; commission to examine witnesses, per side, and so *pro rata*, 4 pounds; filing every return of commission and depositions, 2 pounds; filing every deposition, if taken in court and without commissions, 2 pounds; filing every petition, and order thereon, 2 pounds; entering every appearance, 3 pounds; filing every bond, with or without security, 2 pounds; for recording or copying any matter or thing not herein enumerated, if requested by the party, and for which no other allowance hath been made, per side, and so *pro rata*, 4 pounds.

To the Sheriff.—Serving writ, and return, 27 pounds; taking bail bond, 14 pounds; collecting officers' fees, for every hundred, six per cent.; for every commitment and releasement, 16 pounds; empannelling a jury, 90 pounds; serving *scire facias*, including the persons summoned, 23 pounds; serving citation, 23 pounds; executing a warrant of resurvey, per day, 75 pounds; summoning evidences to prove the bounds of land, for each person summoned, 23 pounds; if empowered to swear evidences, for every witness sworn by him, 10 pounds; serving a subpœna, and return, 23 pounds for keeping a prisoner in jail, and finding him victuals, per day, 12 pounds; serving a writ of possession in ejectment, and return, 112 pounds; writ of seisin on a common recovery, and return, 10 pounds; serving an ejectment, and return, 51 pounds; every election, for one or more members, 1,000 pounds; serving an attachment of contempt, and return, 38 pounds; serving writ of estrepement, and return, 75 pounds; serving *ne exeat*, and return, 200 pounds; serving a copy of declaration or short note, 4 pounds; summoning appraisers, to value goods taken by attachment, *fieri facias*, or replevin, for each appraiser summoned, 23 pounds; swearing the said appraisers, every oath, 10 pounds; serving an attachment on judgment or execution, and return, 8 pounds; executing a writ of *ad quod damnum* or *melius inquirendum*, and return, per day, 75 pounds; empannelling a jury on the same, 180 pounds; swearing the said jury, for every oath, 10 pounds; taking an inquisition, and returning the same with the said writ, 75 pounds; serving a writ of re-restitution, and return, 112 pounds; empannelling a jury to inquire of a forcible entry and detainer, 180 pounds; to each person summoned as an evidence on the same, 23 pounds; for summoning chain carriers, each, if required, 23 pounds; for swearing chain carriers, every oath, 10 pounds; for an arrest on a warrant, and return, in criminal cases, 18 pounds; for serving *duces tecum*, and return, 18 pounds; return on an attachment, when *mesne* process, 8 pounds; for laying an attachment in any garnishee's hands, for each garnishee 23 pounds; for all goods and chattels which any sheriff shall attach and take into his possession, or wherewith he shall be chargeable, the same fees as on executions; returning *fieri facias* on replevin, each, 8 pounds; the same fees on *fieri facias* or replevin as upon attachments; also, the same fees on appraisement and sale of goods distrained and sold for rent; serving writ of *retorno habendo*, and return, 75 pounds; serving a writ of *distringas*, and return, 75 pounds; serving the return of *elegit liberato*, 75 pounds; empannelling jury on *elegit* or extent, 180 pounds; for swearing the same, each, 10 pounds; serving writ of restitution, and return, 112 pounds; summons in partition, for every person summoned, and return, 23 pounds; serving writ of partition, and return, 26 pounds; empannelling jury thereon, 180 pounds; swearing the jury, each, 10 pounds; attendances, per day, 75 pounds; serving an attachment in partition, and return, 90 pounds; returning writ, inquiry of damages, 75 pounds; empannelling jury thereon, 180 pounds; swearing the same, each, 10 pounds; attendance per day, 75 pounds; proclamation of rebellion, and return, 90 pounds; serving withernam, and return, 75 pounds; and the same fees allowed as upon replevins.

By the 4th section of the act of November, 1779, ch. 25, it is provided, that poundage fees on any writ of *capias ad satisfaciendum* shall not be demanded or taken for any greater sum than the real debt, *bona fide* due and claimed by the plaintiff, amounts to.

By the 2d section of the act of November session, 1790, ch. 59, the sheriff, on the service of any execution for money or tobacco, shall charge and receive at the rate of seven and a half per cent. for the first ten pounds in money, or 1,000 pounds of tobacco; and three per cent. for the residue, in the same species the execution shall issue for. On execution or attachment on lands held for years, or a greater estate, only one-half the poundage fees; and if the estate in land shall not be chargeable by appraisement, and delivered to the plaintiff, or by sale of the sheriff, one-quarter part of the poundage fees only shall be chargeable.

To the Clerk of the Court of Appeals.—Recording every writ of error, *scire facias*, and return, per side, and so *pro rata*, computing one hundred and five words to a side, the like for recording a transcript, the like fees for recording errors per side, and so *pro rata*, 8 pounds; entering and signing judgment, 47 pounds; taxing and filing a bill of cost, 8 pounds; copy of the same, if demanded, 8 pounds; filing bill of cost from the general, chancery, or any other court, 8 pounds; writ of diminution, and return, 22 pounds; writ of possession, or any other execution and return, 20 pounds; entering any motion or order, filing or recording any bond in court, entering any petition, entering and drawing any affidavit or deposition taken or returned into court, copy errors, recording proceedings transmitted from the chancery court, or copy the same, filing and recording any plea, replication, or demurrer, or copy the same in common law proceedings, entering and reference in court, and copy the same, or copying any other proceedings per side, and so *pro rata*, 8 pounds; issue and rule, 24 pounds; affixing the seal of the court to any copy of proceedings or exemplifications, 131 pounds; and for all other services the same fees as taken in the general court; the clerk of every court of delegates to have the same fees that are allowed and limited by this act to the clerk of the court of appeals, and no more.

The court of appeals being abolished by the Legislature, a new court was established, to be held on the Western and on the Eastern shores; and by the 15th section of the act of November session, 1805, ch. 65, it is enacted that the clerks of the court of appeals for the Western and Eastern shores, respectively, shall have the same fees for their services as the clerks of the county courts are entitled to for the same or similar services by law.

Crier's Fees in General Court.—Swearing every jury, 106 pounds; swearing every witness, 10 pounds; swearing the baliff, 10 pounds; every oath taken in court, 5 pounds; every special bail, 54 pounds; clearing every prisoner by proclamation, if required, 60 pounds; for every recognisance, 20 pounds.

Coroner's Fees.—Viewing the body of any person or persons murdered or slain, or otherwise dead, by misadventure, to be paid out of the goods and chattels of the party so dead, if any there be, otherwise to be levied by the commissioners of the county where such accident shall happen, 250 pounds; arresting or summoning any sheriff sued or prosecuted in any court, and for taking security, 26 pounds; the same fees allowed wherein the sheriff is plaintiff or defendant, on all processes to the sheriff, and no more.

Crier's Fees in the County Court.—Swearing every jury, 36 pounds; swearing every bailiff, 4 pounds; every other oath in court, 3 pounds; for special bail, 20 pounds; clearing every prisoner by proclamation, if required, 30 pounds; for calling every recognisance, 16 pounds.

To the Registers of the Land Office on the Western and Eastern shores, respectively.—For a common warrant and entry, 33 pounds; for renewing the same, and entry, whether in or out of date, 33 pounds; for recording certificate, per side, computing one hundred and five words to a side, and so *pro rata*, 8 pounds; for making out a grant, 90 pounds; for recording the same, 67 pounds; for special warrant on the proclamation of escheat, or re-survey, including petition and order thereon, 250 pounds; for searching for any matter or thing first year, nothing; if the matter searched for be found, 14 pounds; for a special warrant for vacant cultivation, including petition, and order thereon, 150 pounds; for renewing every special warrant, whether in or out of date, 33 pounds; entering every *caveat*, and order, 24 pounds; for every deed or assignment, 75 pounds; for drawing a petition, at the request of the party, 54 pounds; for all copies, per side, as before, 8 pounds; for filing every paper, at the request of the party, 4 pounds; for entering every application for warrant, 10 pounds; for copy thereof, per side, and so *pro rata*, 8 pounds; for every seal, 10 pounds.

How the fees allowed in tobacco are to be payable, &c.—October session, 1780, ch. 23, s. 3. All fees and allowances made in tobacco shall be paid and discharged in tobacco, at the rate of 12*s.* 6*d.* per cwt., or in specie, valuing dollars at 7*s.* 6*d.*

Fees allowed to the Registers of Wills, in the several counties of the State, by the act of November session, 1797, ch. 76.—For every probate of will, where no controversy or letters granted, including demand, and all oaths necessary thereto, 80 cents; for granting letters of administration, swearing the administrators, taking bond, issuing warrant to appraisers, and warrant to swear them, or for probate of any will, granting letters testamentary, if required, taking bond, issuing warrant to appraisers to swear them, $3 20; *dedimus potestatem*, to take answer, per side, and so *pro rata*, 8 cents; for recording wills, inventories, accounts, or copying the same, per side, computing seven words to the line, and fifteen lines to a side, and so *pro rata*, 8 cents; taxing and filing costs, 8 cents; copy costs, if demanded and delivered, 8 cents; for drawing definitive sentence on plenary proceedings, and recording the same per side, and so *pro rata*, 8 cents; a writ of execution or definitive sentence, per side, and so *pro rata*, 8 cents; seal to definitive sentence, if required, 30 cents; seal to a writ of execution of definitive sentence, 30 cts; copy of every libel, answer, replication, or rejoinder, per side, if demanded, 8 cents; drawing deposition of witnesses, per side, and so *pro rata*, 10 cents; filing interrogatories, per side, and so *pro rata*, 4 cents; every common citation, per side, and so *pro rata*, 8 cents; every special citation, per side, and so *pro rata*, 8 cents; every attachment 30 cts; attachment on decree, per side, and so *pro rata*, 8 cts; subpœna for costs, 20 cents; every appearance of the party, 8 cents; entering of every return of process, 8 cents; *quietus est*, nothing; for a continuance or reference, to be charged to the libellant only, 8 cents; for a search of the record, the first year, nothing; for every search afterwards, be the time of what length soever, if the matter searched for be found, 20 cents; exemplification of letters testamentary, or administration, under seal, 80 cents; commission or proclamation of rebellion, 80 cents; commission to examine evidences, and commission to auditors, 60 cents; *scire facias*, 60 cents; *duces tecum*, 30 cents; entering every motion in suits depending in court, and order thereon, 8 cents; if above one side, after the rate of per side, and so *pro rata*, 8 cents; entering prayer for appeal, 10 cents; filing every libel, answer, replication, petition, or exhibits, where not recorded, for each, 4 cents; for recording or copying any matter or thing not herein enumerated, if requested by the party, per side, and so *pro rata*, 8 cents; writ of sequestration and return, per side, and so *pro rata*, 16 cents; filing every matter, if not recorded, 4 cents; for entering and taking executor's renunciation, 8 cents; for entering widow's renunciation, 8 cents; for every oath, 4 cents; for every certificate, 8 cents; for making out and filing the balance, and distribution of a deceased person's estate, 60 cents; for taking bond for security of said balance, 40 cents; for filing the same, 4 cents; for recording the same, per side, and so *pro rata*, 8 cents; for entering choice or appointment of guardian, and approbation with sureties, 8 cents; for taking guardian's bonds, 40 cents; for filing the same, 4 cents; recording the same, per side, and so *pto rata*, 8 cents; for taking recognisance for apprentice bound in court, 40 cents; for warrant to sheriff to summon jury, 25 cents; for filing panel of jury, 4 cents; copy of the same, 8 cents; filing every presentment and entering order thereon, 12 cents; for *scire facias* against executors or administrators for costs, 40 cents; for every seal, 20 cents; for taking an appeal bond, 40 cents; for filing the same, 4 cents; recording the same, per side, and so *pro rata*, 8 cents; for stating and passing every account, 80 cents; for every voucher, 4 cents.

Allowances to Grand and Petit Jurors and Witnesses.—April session, 1715, c. 37, s. 8, and May session, 1719, ch. 3, s. 2. For every verdict given by the petit jury in any cause, to be paid by the party for whom such verdict shall pass, and be allowed in the bill of costs, twelve shillings.

November session, 1797, ch. 94. There shall be allowed to each grand and petit juryman, attending the general court, the sum of $2 50 for each and every day such grand and petit juryman shall attend for the discharge of his duty, besides itinerant charges.

There shall be allowed to each grand and petit juryman, attending the several county courts, and each petit juryman attending the orphans' court, the sum of $1 50 for each and every day such grand and petit juryman shall attend, for the discharge of his duty as such.

There shall be allowed to each witness, attending the general court, the sum of $1 50 for each and every day such witness shall attend for the discharge of his duty, besides itinerant charges.

There shall be allowed to each witness attending the county or orphans' court the sum of $1 for each and every day such witness shall attend for the discharge of his duty, besides itinerant charges to be allowed to witnesses coming from other counties.

STATE OF VIRGINIA.

Table of the Fees allowed by the law to Attorneys in the State of Virginia.

In the County Courts.—In common cases, $2 50; in all chancery suits, or real, mixed, or personal actions, where the title or bounds of lands shall or may come in question, $5; on petition for small debts, $1 25; for attending a survey in the county, for each day's attendance, $3 58; for any opinion or advice, where no suit is brought or defended, $1 67.

In the District Courts.—When the title or bounds of lands shall or may come in question, $5; in all other cases, except those transferred from the general court, $2 50; in the cases so transferred, the fees shall be the same as in the general court.

In the General Court.—For an opinion or advice, where no suit is brought or defended, $3 58; in any suit where the title or bounds of lands shall or may come in question, $16 66; in all other cases, $8 33.

In the High Court of Chancery.—In all cases the fee is $16 66.

In the Court of Appeals.—In all cases the fees are the same as in the general court.

The Clerk of the Court of Appeals—Shall receive the same fees as are allowed to the clerks of the general court and high court of chancery for similar services.

The Clerk of the High Court of Chancery.—For filing a bill, answer, replication, or other pleadings, each, 26 cents; for a copy thereof, for every twenty words, 2 cents; for entering every decree, 18 cents; for drawing up every decree at large, entering the substance of the bill, answer, or other pleadings, the substance of the evidence, and the decree thereupon, for every twenty words, 2 cents; for filing the depositions in every cause in behalf of each party, 26 cents; for a copy of the depositions, for every twenty words, 2 cents.

To the Clerks of the General Court.—For a copy of a warrant and inquisition of escheat, $1 92; or of an inquisition of escheat, 83 cents; for the probation of any testament, and recording the same, for entering the orders for appraising the estate, recording the inventory, writing and sealing the probate, or any other matter concerning the same, or for a commission of administration of the goods of any person dying intestate, for entering the order or orders for appraising the estate, recording the inventory, or for any other matter concerning the same where the appraisement does not amount to more than three hundred dollars, $3 50; where the appraisement is more than three, and less than fifteen hundred dollars, $5; where more than fifteen hundred dollars, or where there is no appraisement, $7; for a copy of probate, or commission of administration, 70 cents; for recording the memorial of each bargain sale, mortage, or other conveyance, marriage settlement, or deed of trust, 18 cents; for recording the certificate of a probate, or administration, 18 cents; for a copy of a will or inventory, 70 cents; and if the original is contained in more sheets than one one, for a copy of each sheet, 52 cents; for a copy of an account, 35 cents; for recording a deed or deeds for the conveying or settling any lands or tenements only, or together with slaves or personal estate, or any way concerning the same, acknowledged or proved in the general court, $2 62; for a copy of such deed or deeds, with the endorsement thereon, and for a certificate of the acknowledgment or proof, and recording, $1 57; for issuing a commission to take the acknowledgment and privy examination of a *feme coverte*, and recording it with the return of the commissioners, 87 cents; for a copy thereof, 52 cents; for recording a deed concerning slaves, or any personal matter only, $1 22; for a copy thereof, with a certificate of the acknowledgment or proof, and recording, 70 cents; for a deed of gift for slaves only, or for a copy thereof, 35 cents; for recording a letter of attorney acknowedged and proved in the general court, and everything relating thereto, $1 22; for a copy thereof, 70 cents; for recording a bond with condition other than for performance of covenants in deeds of conveyance or settlement of land, 70 cents; for a copy of a bond without condition, 35 cents.

In Actions and other Suits.—For every writ of error, *supersedeas*, or *scire facias*, 43 cents; for taking bond on issuing a writ of error or *supersedeas*, 43 cents; for every other writ in action or suit whatsoever, 35 cents; for entering the sheriff's return, and entering the bail by him returned in the entry book, 35 cents; for entering special bail, 35 cents; for entering the personal appearance of the plaintiff or defendant, or the appearance of an attorney for either party, 18 cents; for entering security for costs for persons out of the county, 35 cents; for filing a declaration, and every plea or demurrer in any cause to the making up of the issue, and for filing errors upon appeals, writs of error, or *supersedeas*, 25 cents; for copy of every declaration, plea or demurrer, or of errors, 35 cents; for every rule entered in the rule book, 35 cents; for a copy of every rule, 18 cents; for every order in court before trial, 18 cents; for a copy of the same, 18 cents; for filing papers for each party in any action or suit, 26 cents; for docketing every cause on the docket, (to be charged but once,) 18 cents; for every trial, swearing the jury and witnesses, and recording a general verdict, 87 cents; for administering an oath or affirmation in court, except witnesses to a jury, 18 cents; for every trial where there is a special verdict, swearing the witnesses and jury, and recording such verdict, $1 30; where there is no jury, but a case agreed, 43 cents; for swearing the witnesses for each party in every cause where there is no jury, 26 cents; for a copy of a case agreed, or notes of a special verdict, 43 cents; for entering every order made in court, after verdict or demurrer joined, 18 cents; for entering every continuance on the court docket, 18 cents; for entering every judgment, 18 cents; for making a complete record of every cause, inserting a case agreed, or special verdict at large, from the notes, and all deeds and other evidences at large, for every twenty words, 2 cents; for a copy thereof, or any part thereof, the same; for a recognisance in court, 35 cents; for filing a return of a *habeas corpus*, 26 cents; for filing the record on a writ of error, 26 cents; for copy of such record for every twenty words, 2 cents.

To the Clerk of the General Court or High Court of Chancery, (as the case may be.)—For taking a bond upon issuing injunctions, 43 cents; for every *dedimus potestatem*, 35 cents; for recording the report of auditors, when it is desired, 70 cents; for making a complete record of every cause, for every twenty words, 2 cents; for filing the return of a *certiorari*, 26 cents; for taxing the costs in any action or suit, and a copy thereof, 35 cents; for recording anything not herein particularly mentioned, or for a copy thereof, for every twenty words, 2 cents; for a search for anything, if above a year's standing, or reading the same or any part thereof, if required, if a copy be not taken, 18 cents; for every order to a witness for attendance, (to be charged to the party against whom the order goes,) 18 cents.

To the Clerks of the District Courts.—For issuing a summons on a petition for lapsed lands, 87 cents; for every order thereon, 26 cents; in all other cases, the same fees with those of the county courts for similar services; and for all other services, the same as those of the clerk of the general court.

To the Clerk of the District Court, or the Clerk of the High Court of Chancery, (as the case may be.)—For filing the record upon an appeal, or *supersedeas* for a county or other inferior court, 26 cents; for a copy of such record, for every twenty words, 2 cents.

To the Clerks of the County and Corporation Courts.—For every writ in the nature of an *ad quod damnum*, to be paid upon issuing such writ, 83 cents; for recording the same, with the inquisition thereupon, to be paid before inquisition recorded, $1 92 cents; for a copy of such writ and inquisition, to be paid down, 83 cents; for taking a bond upon issuing injunctions in chancery, 35 cents; for recording deeds of lease and release, for conveying or settling of lands, only, or together with slaves and personal estate, bond to perform covenants, certificate of the proof, or acknowledgment, as the case is, and all matters relating thereto, $2 62; for a copy thereof, 95 cents; for recording every deed of feoffment, or bargain and sale, or other single deed for conveying or settling lands or tenements only, or together with slaves and personal estate, bond to perform covenants, certificate of the proof, or acknowledgment, as the case is, and all matters relating thereto, $1 75; for a copy thereof, 70 cents; for issuing and recording a commission to take the acknowledgment, and privy examination of a *feme coverte*, with the certificate of the commissioners, if such commission be required, 70 cents; for a copy thereof, 35 cents; for recording a patent, 87 cents; for a copy thereof, 43 cents; for recording a deed concerning slaves, or any personal matter or thing only, with a certificate of its proof or acknowledgment, 70 cents; for a copy thereof, 52 cents: provided, however, that for a deed of gift for slaves only, or for a copy thereof, there shall be allowed only 35 cents; for recording a letter of attorney, 52 cents; for a certificate of the proof, or acknowledgment thereof, 18 cents; for a copy of a letter of attorney, with such certificate, 43 cents; for recording a bond, with conditions other than for performance of covenants in deeds of conveyance, or settlement of lands, 35 cents; for a copy of a bond, with condition, other than an appeal bond, the same; for a copy of any other obligation or promissory note, 18 cents; for the probation of any will or testament, and recording the same, entering the order or orders for appraising the estate, and for any other matter concerning the same, where the will shall be contained in one sheet, 70 cents; and if the will is contained in more than one sheet, for every such sheet, 35 cents; for a commission of administration of the goods of any person dying intestate, for entering the order or orders for appraisement, and for any other matters concerning the same, 70 cents; for recording an inventory, where the appraisement does not amount to more than thirty dollars, 18 cents; where the appraisement exceeds that value, and is under one hundred and fifty dollars, 87 cents; and where it shall exceed one hundred and fifty dollars, and is under three hundred dollars, $1 75; and where it shall exceed three hundred dollars, or there is no appraisement, $4 37; for a copy of a will or inventory, if the original is contained in one sheet, 52 cents; if the original is contained in more sheets than one, for a copy of every such sheet besides the first, 35 cents; for recording the age of a servant or slave, adjudged in court, 18 cents; for a certificate thereof, if required, 14 cents; for attending a court for examination of criminals and trial of slaves, if the court is held for that purpose, (to be paid by the public,) $3 50; for a copy of a list of tithables in his precinct, 35 cents; for the whole fee for an ordinary license and bond, 87 cents; for a copy of the rates of liquors, 26 cents; for a marriage license, certificate, and bond, 87 cents; for every search for everything above a year's standing, if a copy be not taken, 8 cents; for reading anything, if a copy be not required, 8 cents.

In Actions and other Suits.—For every writ other than such as are herein particularly mentioned, 18 cents; for a copy of such writ, 8 cents; for every writ of execution or *scire facias*, 26 cents: for a copy thereof, 14 cents; for recording the return thereof, 14 cents; for a writ of attachment in any action, 26 cents; for recording the return thereof, 26 cents; for an attachment granted by a justice of the peace, returnable to the court, and recording the return, and putting the same in the docket, 35 cents; for every summons to summon a garnishee on such attachment, 18 cents; for filing every bail bond, or entering the bail returned, 18 cents; for docketing every cause, except by petition, to be charged but once, 8 cents; for a copy of the return of any writ, 5 cents; for entering special bail, 18 cents; for entering security for costs for persons out of the county, 18 cents; for entering the appearance of the defendant or defendants, where there is no attorney, in any suit except by petition, 8 cents; for entering one or more attorneys for each party, 8 cents; for every petition, declaration, or other pleadings, except in suits by petition for debt, *detinue*, *assumpsit*, or trover, 18 cents; for a copy of any declaration, special plea, or demurrer, 18 cents; for a copy of any declaration, special plea, or demurrer, 18 cents; for a copy of a plea, if the general issue, 5 cents; for every trial, swearing the jury and witnesses, filing all papers, and recording a general verdict, 70 cents; for every trial where there is a special verdict, or case agreed, and recording the same, $1 13; for swearing the witnesses in every other cause, where there is no jury, or case agreed, except by petition, 18 cents; for filing the papers of each party in every cause except by petition, and where there is a jury or case agreed, 18 cents; for a copy of a special verdict or case agreed, and everything therein set forth, or for making up a full and complete record, for every thirty words, 2 cents; for entering every judgment, or for a copy thereof, 18 cents; for filing a bill, answer, replication, and other pleadings in chancery, for each, 18 cents; for a copy thereof, for every thirty words, 2 cents; for a commission to examine witnesses, 43 cents; for attending and writing depositions taken against inspectors before justices of the peace, $1 75; for entering every decree in chancery, 26 cents; for filing the depositions in any suit, for each party, 8 cents; for every deposition taken in court, 18 cents; for a copy of a deposition, 18 cents; for administering an oath in court not relating to the trial of any cause then pending, and certifying the same, 18 cents; for every recognisance in court, 18 cents; for entering the order or orders in any cause in one court, 26 cents; for entering every order for attendance of witnesses, 18 cents; for a copy of any order, 18 cents; for recording the report of a jury in the county, surveyor, auditor, or viewers, 35 cents; for a copy thereof, 35 cents; for taxing costs to any judgment or decree where costs are recovered, or for a copy of a bill of costs, if required 20 cents; for a copy of an account, 18 cents; for entering an appeal, and taking bond to prosecute it, 35 cents; for a copy of the bond, 18 cents; for returning an appeal and security to the office of the court of chancery, or a district court, as the case may be, 52 cents; for returning a writ of error, *supersedeas*, *certiorari*, or *habeas corpus*, 35 cents; for a copy of the proceedings of the cause wherein the appeal is granted, for every thirty words, 2 cents; for recording the acknowledgment of satisfaction of a judgment, 18 cents; for entering each order for a witness's attendance, (to be charged to the party in whose behalf the witness is summoned, and taxed in the bill of costs, if such party recover,) 18 cents; for a copy thereof, to be taxed and charged in like manner, 18 cents; for an attachment thereon, to be charged to the party against whom the attachment shall be issued, 18 cents; for the whole fee, chargeable for every petition for debt, detinue, *assumpsit*, or trover, and all the proceedings therein, including a copy of the judgment, and taxing costs, if required, except the respective fees for summoning witnesses, entering attorneys, for every order for continuance, and for issuing execution, where any of those matters happen, 87 cents; for entering an attorney in such petitions, to be paid by the party by whom such attorney shall be employed, and not to be taxed in the bill of costs, 8 cents; for a summons for several witnesses living in one county, if summonses for all be taken out at one time, 18 cents; for recording anything not here particularly mentioned, or for a copy thereof, for every thirty words, 2 cents; for the acknowledgment and proof of any deed in the county court, and for certifying the same to be recorded in the general court, 52 cents.

To the Sheriff or Sergeant, (as the case may be.)—For an arrest, bond, and return, 63 cents; for returning a *capias non est inventus*, 21 cents; for serving a *scire facias* 30 cents; for serving any person with an order of court, and making return thereof, 30 cents; for pillorying any person, 42 cents; for putting into the stocks, 21 cents; for ducking any person, 42 cents; for putting in prison, and releasement, 42 cents; for serving a subpœna in chancery, 30 cents; for serving a summons upon a petition for debt, detinue, *assumpsit*, or trover, 30 cents; for serving a subpœna for a witness in any case in court, except summoned in court, 21 cents; for summoning an appraiser, auditor, viewer, or witness, to any deed, will, or writing, if required to be summoned, but not else, 21 cents; for summoning and empannelling a jury in every cause wherein a jury shall be sworn, $1 05; for coming to attending the district court with the *venire*, and return of the *venire facias*, the same as is allowed to a *venire man*, (to be paid by the public,) and for attending the district with stolen goods where there is no *venire*, the same; for summoning the justices of the county, and attending the court for the examination of a criminal, (to be paid by the public,) $4 20; for removing every criminal from the county jail, for every mile, 10 cents; for removing a debtor by *habeas corpus* from the county jail to a district jail, for every mile, 4 cents; for executing every condemned person, and all fees incident thereto, (to be paid as aforesaid,) $5 25; for summoning a jury upon any inquisition, survey, writ of dower, or partition, if the jury appear, $3 15; and if the jury do not appear, $1 57; for making a return of a writ of dower, partition, or in the nature of an *ad quod damnum*, $1 05; for every day's attendance upon a jury in the country after they are sworn, or attendance upon a surveyor when ordered by the court, $1 05; for serving a writ of *habere facias seisinam*, or *habere facias possessionem*, $1 05; for serving an attachment upon the body, 63 cents; for serving a writ of *distringas* issuing from a judgment in detinue when the specific thing shall be taken, $1 05; for serving a declaration in ejectment, if against one tenant, 63 cents; and if against more tenants than one, for serving the declaration on every other tenant, 30 cents; for whipping a servant, to be paid by the owner, and repaid by the servant, 42 cents; for whipping a free person by order of court, to be paid by such person, 42 cents; for whipping a slave by order of court, to be paid by the county, and repaid by the public, 42 cents; for taking a bond or bonds to the creditor, under the act, entitled "An act for reducing into one the several acts concerning executions and for the relief of insolvent debtors," 63 cents; for proceeding to sell on any execution on behalf of the commonwealth, or of any individual, if the property be actually sold or the debt paid, the commission of five per centum on the first three hundred dollars, or ten thousand pounds of tobacco, and two per centum on all sums above that, and one-half of such commission where he shall have proceeded to sale, and the defendant shall have replevied; and no other commission, fee, or reward, shall be allowed upon any execution, except for the expense of removing and keeping the property taken; for serving an attachment, or for making distress upon the goods exceeding ten dollars, if sold, the same fee as for serving an execution where the goods do not exceed that value, or are not sold, 63 cents; for every garnishee summoned on such attachment, 21 cents; for executing any writ of *distringas* or attachment on a decree in chancery, the same fee or commission upon the amount of the value of the goods and chattels recovered or money mentioned in such decree as is by law allowed for serving any other execution; for serving and returning a general or district court writ, summons, or order, where the same is not comprehended in any of the foregoing articles, 63 cents; for making a proclamation, as the law directs, in proving wills or proceeding to outlawry, 42 cents; for selling a servant at public outcry, by order of the court, and all fees incident, 42 cents; for keeping and providing for a debtor in jail, each day, 21 cents; for serving a justice's warrant, 21 cents; for summoning a witness before a justice, 10 cents; for all public services of the sheriff, to wit, attending the courts of claims, empannelling grand juries, publishing writs for electing delegates or senators, and attendance, serving all public orders of court, (except against guardians, where they shall stand out in contempt, to be charged to such guardian,) and all other public and county services, to be levied annually by the justices on the county, 25 cents.

To the Coroner.—For taking an inquisition on a dead body, to be paid out of the estate of the deceased, if the same be sufficient, if not, by the county, $2 80; for all other business done by him, the same fees as are allowed the sheriff for the same services.

Witnesses.—For attending the county courts, referees, commissioners, or other persons, for the purpose of giving testimony, or on a survey of lands in the county where they reside, for every day, 53 cents; and those residing in, and summoned from, another county, the same, together with travelling expenses as in the superior courts; for attendance in the superior courts, for every mile going and returning, each, 4 cents; for attendance each day, $1 04 cents; in criminal cases, either before the examining court or the district court, the same as in civil cases.

STATE OF NORTH CAROLINA,

A table of fees and compensation allowed by the laws of North Carolina to attorneys at law, prothonotaries, registers, and clerks of judicial courts, to sheriffs and coroners, to grand and petit jurors, and witnesses, viz:

To the Attorney General.—For every bill of indictment found, or presentment made, £1 6*s.* 8*d.*; if the bill be found *ignoramus*, the prosecutor shall pay 13*s.* 4*d.*

To the Solicitor General.—The same allowances and fees as the attorney general.

To the County Solicitor.—For prosecuting for the State, in any matter, civil or criminal, in any of the county courts, the same fees which are allowed by law to the attorney general for the like services.

To Attorneys.—For every suit in equity, £10; for every suit in the superior court, where the title of lands shall come in question, £5; for all other suits originally commenced in any of the said courts on the law side, £5; in all appeals from any other courts to said superior courts, £5; in all suits in the county courts, where the titles of lands shall come in question, £5; in all other suits originally commenced in the said county courts, £2; in every appeal from the judgment of a justice of the peace to said county courts, £1.

To the Clerks and Masters in Equity.—For a report on an answer, 3*s.*; for a report on an answer and plea, 4*s.*; for a report on a demurrer and answer, 4*s.*; for an affidavit to an answer, 1*s.* 6*d.*; for an affidavit to a bill, 1*s.* 6*d.*; for a separate affidavit, 2*s.*; for a copy of report by the office, copy-sheet containing ninety words, 2*s.*; for copies of proceedings and exemplifications, for each copy sheet, 2*s.*; for taking a bond, 1*s.* 6*d.*; for every rule given for service, 2*s.* 6*d.*; for every rule not for service, 2*s.* 3*d.*; for every subpœna, writ, or other process, 10*s.*; for every *dedimus* or commission, 5*s.* 4*d.*; for every injunction, 10*s.*; for drawing decrees, by the copy-sheet, 4*s.*; for enrolling a bill or answer, by copy-sheet, 2*s.*; for entering plea or demurrer, 2*s.*; for recording depositions to perpetuate testimony, for each copy-sheet, 2*s.*; for search, 1*s.*; for every dismission, 2*s.*; for a report stating an account, as much as the court may, in discretion, think adequate to the actual labor and trouble bestowed, not exceeding £25.

To the Clerks of the Superior Courts.—For every leading process returned to the first court, and all subsequent process, appearances, pleas, rules, orders, and other services necessary thereon, until the making up an issue, inclusive, and also for dismission or final judgment, where either happens, or for confession of judgment, 10*s.*; for every continuance or reference of every cause after the second court, including all the fees for every necessary service, 4*s.*; for the court at which the cause is determined, including all fees for every necessary service thereon, and entering final judgment, inclusive, 18*s.*; for every subpœna, provided the party insert no more than four witnesses in the same, 2*s.*; for every execution or order of sale, when necessarily issued and returned, including all services thereon, with taxing costs and copy, and entering satisfaction, 5*s.*; for every *scire facias* against bail, with making an issue thereon, or entering judgment without plea, including fees for every necessary service thereon, provided that the party cast shall not be subject to this unless the *scire facias* is requisite and required by the plaintiff, 8*s.*; for giving a copy of the record of any cause, when demanded by either of the parties, 6*s.*; for every recognisance, 2*s.*; for every order or rule of court, made in matters foreign to the suit depending in court, and copy thereof, when demanded, 2*s.* 8*d.*; for searching a record out of court, 1*s.*; for a commission to take the examination of a *feme coverte* or witnesses, in any cause depending, the return thereon entering, and all other services necessary thereon, 3*s.*; for a special *venire facias*, in an action of ejectment, or where the bounds of lands shall come in question, when the said writ shall be issued, 8*s.*; for a special verdict, demurrer, or motion in arrest of judgment, and argument thereon, 4*s.*; for a writ of error, *certiorari*, or appeal, with a transcript of the record, and all services necessary thereon, 8*s.*; for making out certificates of witnesses' or jurymen's attendance, 8*d.*; for every security taken to prosecute plaintiff's suit, or pay costs, 2*s.*; for entering the same, with the names of the security, 2*s.*; for advertising the distribution of the business of the next term for each county, £1; for fixing the seal to any instrument of writing that may require the same, 2*s.* 6*d.*; for indictment, calling the prisoner to the bar, charging or arraigning him, receiving and entering his plea at length, 10*s.*; for each recognisance, to be paid, so far as respects the person admitted to bail and his securities, at the time when taken, 2*s.*; for each subpœna in State cases, 2*s.*; for the trial, entering of final judgment, and issuing a copy of the sentence of the court, 18*s.*; for each continuance of an indictment, 4*s.*

To the Clerk of the County Court.—For every leading process returned to the first court, including all services, together with dismission or final judgment, where either happens, 10*s.*; for every presentment or indictment, 6*s.*; for entering and filing every recognisance, 2*s.*; for every continuance or reference of any cause after the second court, including all fees, for every service necessary thereon, 3*s.*; for the court at which the cause is determined, including all services, 7*s.* 6*d.*; for every subpœna, provided the party insert no more than four witnesses in the same, 1*s.* 6*d.*; for every execution or order of sale necessarily issued, including all services thereon, with taxing costs and copy, and entering satisfaction, 3*s.* 9*d.*; for every *scire facias* against bail, with making up an issue thereon, entering judgment without plea, including all pleas for every necessary service thereon, provided that the party paying costs shall not be subject to this unless the *scire facias* is necessary and required by the plaintiff, 6*s.*; for copy of the record of any cause, 4*s.* 6*d.*; for every order or rule of court, made on matters foreign to the suit depending in court, and a copy thereof, if demanded, 2*s.*; for entering on the minutes the probate of wills, qualifying executors, making certificates, recording the will, and giving copy thereof, 8*s.*; for granting administration, taking bond, and all other services thereon, 8*s.*; for proving, and recording at length, and filing an inventory, account of sales, or account current, exhibited by any administrator, executor, or guardian, or for search, copy, or certificate of the same, if the estate be under one hundred pounds, 2*s.*; if above, 4*s.*; for every marriage license and bond, 8*s.*; for searching a record out of court, 2*s.*; for proving or entering acknowledgment of lands or other estate, and certifying the same, with order of registration, and examination of *feme coverte* without commission, 2*s.*; for a commission to take the examination of a *feme coverte* or witnesses, in a case depending in court, entering the return thereon, and other necessary services, 2*s.* 4*d.*; for guardian or other bond taken in court, including all services, 6*s.*; for indentures of apprenticeship 6*s.*; for a special verdict, or demurrer, or motion in arrest of judgment, 3*s.*; for a writ of error or appeal, with a transcript of the record, 8*s.*; for making certificates of witnesses' attendance, 8*d.*; for recording a mark or brand, and granting certificate thereof, 1*s.* All other services done by the clerks of the said courts are *ex officio*, amongst which are all notices or writs of *scire facias* against jurymen, and the courts may allow reasonable satisfaction for the same, not exceeding, per annum, £20; for every security taken for prosecuting a suit or paying costs, 2*s.*; for entering the same with securities' names, 2*s.*; for petition to correct error in grants or mean conveyances, 5*s.*; for affixing the seal where requisite, 2*s.* 6*d.*; for recording processioner's certificate, 2*s.* 6*d.*; for every search of the entry taker's book, 1*s.*; for copy of every location, 1*s.*; for issuing warrant, granting certificate, and affixing the seal as directed by act of 1796, c. 7, § 4, 4*s.*; for tavern license and bond, and copy of tavern rates, 8*s.*

To Sheriffs.—For selling an orphan's estate, to be allowed by the county court, not exceeding $2\frac{1}{2}$ per cent.; for every arrest, 5*s.* 4*d.*; for every bail-bond, 2*s.*; for serving copy of declaration, 1*s.*; for serving a subpœna, for each person named therein, 2*s.* 8*d.*; for pillorying a person, 5*s.*; for an attachment, the same as for an arrest, and, if further trouble by moving of goods, to be taxed by the court; for executing a warrant of distress or execution against the body or goods, $2\frac{1}{2}$ per centum; for summoning, empannelling, and attending on every jury, in every cause in court, 1*s.*; when a special *venire* shall issue by order of court, for summoning each juror and attending the same, 2*s.*; for putting a person in the stocks, and releasing, 5*s.* 4*d.*; for every commitment, 2*s.* 8*d.*; for every releasement, 2*s.* 8*d.*; for serving a writ of possession of land, 8*s.*; for serving and attending on any person on a habeas corpus, per day, 15*s.*; for calling every action in court, 4*d.*; for selling the estate of an intestate, to be allowed by the court, not exceeding $2\frac{1}{2}$ per cent.; for summoning every warden of the poor, to be paid by the county, 2*s.* $1\frac{3}{4}$*d.*; for services of equity, process, and incidental thereto, the same fees as for the like services at law; for apprehending any criminal, 10*s.*; for conveying any person in his custody, for criminal offence, to the jail where such person ought to be confined, at the rate of 6*d.* per mile; for each perons composing the sheriff's guard, 3*d.* per mile; and 4*s.* for each day such sheriff shall maintain said prisoner; for carrying any sentence or order, on the part of the State, into execution, where the convict is to be corporeally punished, 10*s.*; for the execution and decent burial of a felon, £5.

To Coroners.—For attending on every inquest, £1 4*s.*; the same fees for discharging the duties of a sheriff as such sheriff would be entitled to by this act for performing the same services.

Jurors.—To each juror to the superior courts, (except in the districts of Morgan and Salisbury, and the counties of Persan, Chowan, and Robeson,) for every thirty miles in going and returning, 10*s.*; for each day's attendance, 10*s.*; to every juryman who shall attend the superior courts for the districts of Morgan and Salisbury, and from the counties of Chowan and Persan, for every day's attendance 8*s.*; for every thirty miles he shall travel in going to and returning from said courts, 8*s.*; and such sums as shall be necessarily expended by him in crossing ferries.

To Jurors attending the County Courts.—In most of the counties the jurors attending the courts are allowed nothing; in some, by particular laws, they are allowed a compensation, which varies in different counties, and is paid out of a tax to be levied in the county.

To Witnesses.—Each person, who shall attend any of the superior or county courts as a witness, shall be allowed for every day's attendance, and for every thirty miles he shall travel in going or returning from the said court, 8*s.*; for every day's attendance in the county courts, 4*s.*; and ferriages.

It may be proper to remark, that the currency of North Carolina is fixed by law at twenty shillings for every two dollars and a half; but a paper currency has been in circulation ever since the war, which is depreciated, and for many years past has been fixed by common consent at twenty per cent below par; that is to say, it has passed at the rate of twenty shillings for every two dollars. In this currency, the fees of attorneys, clerks, sheriffs, &c., have been generally paid; and, when they are paid in silver and gold, the dollars are received at the rate of two for every twenty shillings.

STATE OF SOUTH CAROLINA.

Table of Fees established by an act of the Legislature of South Carolina, passed Feb. 14, 1791.

Fees of the Secretary of State.—For every search, 8*d.*; for a commission for a place of profit, 15*s.*; for entering satisfaction on a mortgage, 1*s.*;

for recording a mark or brand, 1*s.*; for recording or copying any writing, for every copy sheet containing ninety words, 5*d.*; for drawing a proclamation and copy to the printer, to be paid by the State, 5*s.*; for a militia commission to be paid by the State, 4*s.*; for a pardon or reprieve, with the great seal, and recording, to be paid by the State, 5*s.*; for attending the courts of justice with records, 3*s.*; for finding the wax and appending the great seal to laws, to be paid by the State, for each law, 2*s.*; for a general commission of the peace for any county or district, to be paid by the State, 10*s.* 6d.; for making out a grant of lands, recording and fixing the great seal, 10*s.*; for a testimonial with the great seal, 5*s.*; for registering the certificate of a person becoming a citizen, 5*s.*

Fees of the Master and Commissioners in Equity.—For every summons, 1*s.* 9*d.*; for every copy of a charge or discharge, 1*s.*; for taking every affidavit in writing, 1*s.* 6*d.*; for every oath administered, 6*d.*; for taking every recognisance, 2*s.*; for every day's attendance in court on any cause, 3*s.* 6*d.*; for taking the oath of every defendant to an answer out of office, and attendance, 5*s.*; for every attendance in office, on summons of either party, or their solicitors, 3*s.* 6*d.*; for hearing and determining any contested matter, and order thereon, 5*s.*; for making up and returning every report into court, but only one report to be charged in each suit, 14*s.*; for commissions on sales, under decrees of the court, 3 per cent. for the first hundred, and 1 per cent. on all sums above; for drawing each set of conveyances, £1 5*s.*

Fees of the Register and Commissioners in Equity.—For affixing the seal of the court to subpœna or other writ, and signing the same, 2*s.* 6*d.*; for affidavit of service of subpœna or other writ, 2*s.* 6*d.*; for examining every witness, drawing depositions, exemplifications of proceedings in any cause, if required, containing minutes of a decree, all orders of court, or for copies thereof, per copy sheet of ninety words, 5*d.*; for every search, 8*d.*; for entering every cause for hearing, 1*s.*; for attending court in each cause, 3*s.* 6*d.*; for reading all papers in a suit, 2*s.*; for examining decree, affixing seal thereto, and attending the judges in court to sign, and certificates of examinations, 4*s.*; for notification to insert in gazette, by order of court, and attendance on printer, 1*s.* 6*d.*; for affixing every seal, and signing every commission to take answers, and examine witnesses, or for other purposes, 2*s.* 6*d.*

Fees of the Complainant's Solicitor in Equity.—Preparing and filing a bill in equity, with all necessary exhibits, £7; for drawing interrogatories in chief for complainant's witnesses, and cross-interrogatories, drawing and engrossing commissions, attending to strike commissioners, where necessary, with proper instructions, £3 10*s.*; for arguing exceptions of law before the master or judge at chambers when necessary, and attending thereon, including all charges incidental thereto, £2; for all other services in the cause, including briefs served on judges, except the decree, £3; for drawing and engrossing decree, per copy sheet, 5*d.*

Fees to Defendant's Solicitor.—For preparing and filing defendant's answer, and all necessary exhibits, £7; for drawing interrogatories in chief for defendant's witnesses, drawing and engrossing cross-interrogatories, commissions, attending to strike commissioners, where necessary, with instructions, £3 10*s.*; for arguing exceptions on points of law before the master or judges at chambers, when necessary, including notices, attendance, and all incidental charges relative thereto, £2; for all other services in the cause, including serving judges with briefs, and except the decree, £3; for drawing and engrossing decree, per copy sheet, 5*d.*

In the Superior Courts of Law.

Plaintiff's Attorney.—For filling up writs, signing, attendance to lodge the same with sheriff, and all incidental charges, when settled before declaration filed, in cases where no bail is required; £1; for every extra copy of a writ and notice, 1*s.* 6*d.*; for all subsequent proceedings whatever to the filing of the declaration, or obtaining interlocutory judgment inclusive, where no bail is required, £1 5*s.*; in all cases where special bail is required, 7*s.*; for all proceedings subsequent to the former, including final judgment and verdict, 15*s.*; for all other services whatever, including the whole proceedings to the issuing of execution, inclusive, 6*s.*; for all exhibits in cases of covenant, per copy sheet of ninety words, 5*d.*; to the jury in each cause tried, 5*s.*

Attorney's Fees in extraordinary cases.—For every demurrer, joinder, and argument on a point of law, £1 5*s.*; for every motion for new trial, or in arrest of judgment, or special matter and argument £1 5*s.*; for every renewal of writ or execution, 5*s.*; for filling up every writ of subpœna, and four tickets, inclusive, 5*s.*; for every rule to show cause in arrest of judgment, copy and notice, and motion for a new trial, 7*s.*; for preparing every commission to examine witnesses, where necessary, attending to strike commissioners, drawing interrogatories in chief, and cross-interrogatories, and instructions, £2; to each material witness attending the court, residing in the cities, towns, or villages where the courts are held, per day, 2*s.* 4*d.* to each witness from the country, including horse hire per day, 4*s.* 8*d.*; all witnesses to be allowe their ferriage and toll; for commencing, and prosecuting, and defending a suit, by summary process, £1.

Attorney's Fees in all cases of Dower or Partition.—All fees from the commencement to th end of the proceedings, all services inclusive, surveyor's fees extra, £5.

Attorney's Fees on Writs of Attachment.—I addition to common costs on bond, note, or account, except printer's bill, £3.

Defendant's Attorney.—For appearance, filin bail, and imparlance, £1; for drawing and filin plea, or demurrer, or other proceedings, previou to joinder in demurrer, or issue taken, 17*s* 6*d.* for verdict in cases found for defendant, *poste* bill of costs, and attending taxation, copy, and n tice, including all charges, 10*s.*; for drawing commissions to examine witnesses, drawing interrog tories, attending to strike commissioners, and i structions, all incidental charges inclusive, $2; for copies of all exhibits necessary to be filed by defendant, per copy sheet, 5*d*.

Attorneys in the County Courts.—For commencing, and prosecuting, and defending a suit in the county court, £1; for defending a person charged by indictment or information, or sued on a forfeited recognisance, £1; for commencing, and prosecuting, and defending a summons and petition, under the summary jurisdiction, 12*s* 6*s*.; for stating objections, and bringing up an appeal, all charges inclusive, 14*s*.

Clerks of the Superior Courts of Law.—For attending to sign a writ and affixing seal, 1*s*.; for filing a declaration, plea, replication, demurrer, joinder in demurrer, or other pleading, 9*d*.; for copying a declaration, or other writing, per copy sheet 5*d*.; for entering every special order of court, or copy, 6*d*.; for every search in the records, where the cause is ended, 8*d*.; for signing every judgment, 2*s*.; for attending drawing, a jury for special court, 3*s*. 6*d*.; for each day's attendance at a special court, 3*s*. 6*d*.; for drawing a bail-piece, attending and taking bail, 2*s*.; for recording every judgment, or other writing, for every copy sheet, 5*d*.; for every recognisance, 2*s*.; for receiving money in court, and paying it again, 1 per cent.; for his attendance in every cause tried in court, swearing jury, and reading papers, and docketing the same, 2*s*.; for swearing every witness, 6*d*.; for every certificate, and signing, 6*d*.; for administering every oath, 9*d*.; for recording the verdict, 6*d*.; for attending at the judge's chambers on a special argument, 2*s*.; for recording or copying a plat of land, and copy, 2*s*. 4*d*.; for issuing a *certiorari*, or other special writ, and sealing, 3*s*. 6*d*.; for making out a license for the admission of an attorney, administering the oath, and recording qualification, £1 10*s*.; for a *dedimus potestatem*, and sealing 2*s*.; for filing and entering return thereof, 1*s*.; for entering a decree on summary process, and execution, 2*s*.; for recording the brand and mark of a stock of cattle, 1*s*. 6*d*.

Attorney General.—On papers returned, and no indictment given out, and *nolle prosequi* entered, £1 5*s*.; where an indictment is found £2; upon bill of indictment found and tried before petit jury and verdict or confession, £3 10*s*.

Clerk of the Sessions and Peace.—On a *nolle prosequi*, 7*s*.; when a bill is found or thrown out, 15*s*.; upon bill found, and trial before petit jury, and verdict, £1; on each writ of *venire* for summoning jurors, 1*s*. 6*d*.; on each writ of *habeas corpus*, or bench-warrant, 7*s*.; each writ of subpœna and tickets, 2*s*.; for every order of bastardy, taking a recognisance, and all other proceedings, 2*s*. 6*d*.; for each order for restitution of goods 1*s*. 2*d*.; on each certificate to the coroner, 8*d*.; for the whole fee of a tavern license and bond, 9*s*. 4*d*.

Sheriffs.—For serving every writ, or summons, or other process, taking bail, returning and proving service, and assigning bail-bond, 7*s*.; for copy left at the defendant's residence, or where he cannot be personally arrested, returning and proving service, 5*s*.; for mileage from the court-house of the districts respectively to the defendant's residence, or where he may be found or taken, but not for returning, each mile, 3*d*.; for commitment and releasement of any prisoner, 2*s*. 6*d*.; for summoning all juries to the sheriff of each district court, £15 per annum, to be paid by the State; to the sheriff of each county for summoning all juries in his county, and for serving public orders for the benefit of the county, £5 per annum, to be paid by the county; for serving any order or rule of court, except public orders or rules, and delivering a copy, 2*s*.; for serving every writ of subpœna and tickets, and returning the same, 2*s*.; for serving a bench-warrant or a warrant of a justice of peace, and return thereof, and proving service in the same manner as on services of writs, 4*s*.; for every return of a writ where the goods or persons are not to be found, 2*s*.; for dieting white persons in the several jails and workhouses in the State, allowing one pound of bread and one pound of flesh, wholesome provisions, per day, 1*s*.; for dieting negroes or other slaves, allowing wholesome food, per day, 8*d*.; for executing a person condemned to death, to be paid by the State, £1; for putting a person in the stocks, branding, pillorying, whipping, or cropping, to be paid by the State, each, 5*s*.; for bringing up a prisoner on *habeas corpus*, and discharging or reconveying to prison, to be paid by the party if solvent, and, if insolvent, then by the State, 5*s*.; for conveying a prisoner on *habeas corpus* or otherwise from one district or county jail to another, every mile he shall necessarily ride, going to and returning from, for each mile, 3d.; all necessary expenses to be allowed the sheriff in addition to the immediate foregoing charge; for levying an execution on the goods of the defendant and selling the same, for all sums where the debt does not exceed £100, two and a half per cent. commissions, and for all sums where the debt exceeds £100, one per cent., where an execution shall be lodged in the sheriff's office, only to bind the property with directions not to levy, for entering the same in his books, 2*s*. 6*d*.; for serving an execution against the body of defendant, and return, 7*s*.; for every prisoner brought up for trial at the sessions, to be paid by the State, 1*s*. 6*d*.; for drawing each set of conveyances, £1 5*s*.; for an inquisition by jury, taken on view of a dead person, and return, to be paid by the State, £2; in all cases where the defendant, after the sheriff may have levied on their property, shall settle with the plaintiff before actual sale, the sheriff in such cases shall only be entitled to one-fourth per cent., besides all reasonable disbursements, and also for fees for entering execution; but if the defendant shall pay the money to the sheriff, one per cent. in lieu of the one-fourth.

Coroner.—For every service done by the coroner, the same fees as are payable to sheriff for the same services.

N. B. If there be no coroner within twenty miles of the body found, the inquest may be made, and the fees may be taken by any justice of the peace in like manner; and who shall, in that case, have all the powers of the coroner.

Justices of the Peace.—For oath and warrant in all criminal cases, 2*s*.; for a recognisance and return, 2s.; for a warrant in civil cases, 1s.; for a commitment, 1s.; for a warrant of hue and cry, 1s. 6d; for taking a deposition, 1s. 6d.; for administering every oath, 6d.; for a probate to any writing, signing, and swearing witness, 1s. 6d.; for examining and swearing witnesses, and hearing and determining the cause, 1s.; for every toll of estrays given in at the same time, and other incidental charges, agreeable to law, 3s.; for writing and signing an execution, 1s. 2d.; for issuing attachment, with the oath of the party, bond and return agreeably to law, 5s.; for every appeal, with the proceedings, to the county court from a justice's judgment, bond and security inclusive, 3s.

Constables.—For serving a warrant, 2s. 6d.; for summoning a witness, 1s.; for summoning a coroner's jury and witnesses, all charges inclusive, 10s.; for putting a person in the stocks, to be paid by the State, 2s. 6d.; for serving an attachment on the effects of a person absconding, or about to abscond, making an inventory and return, returnable to the county court, 4s. 8d.; for the like services where the attachment is returnable before a magistrate, 2s. 4d.; for whipping a person by lawful authority to be paid by the State, 2s. 6d.; for levying an execution, 1s.; for poundage or commissions on all sums levied, five per cent; for mileage in all criminal cases, attachments, and levying executions, and in no other cases, for each mile out, but not for returning, 3d.; for carrying a hue and cry, to be paid by the State, 8s.; for his attendance in searching for stolen goods, for every day, at the request of the party complaining, 3s.

Notary Public.—For taking deposition and swearing witnesses, per copy sheet, 6d.; for every protest, 10s.; for a duplicate of depositions, protest, and certificate, per copy sheet, 5d.; for each attendance on any person to prove any matter or thing, and certifying the same, 3s.; for every notarial certificate with seal affixed, 2s. 6d.

Clergy of every settled church, of every denomination.—For registering every birth, marriage, or burial, 1s. 6d.; for every search of the register, 8d.; for every certificate from the register, 1s. 6d.; for every citation read in church, 5s.

Surveyor General.—For every search, 8d.; for copying plat and certificate, 5s.; for receiving, recording a plat, and sending the same to the secretary's office, to be passed into a grant, 10s.; for a certificate in all other cases, 1s. 6d.; for a deputation and instructions to a deputy surveyor, 5s.

Deputy Surveyor.—For surveying every acre of land, one half-penny; for making out a fair plat, certifying, signing, and returning the same, 10s.; for running old lines for any person, or between parties, where any disputes arise, or by order of court, while they are on the survey, 14s.; per day.

Powder Receiver and Inspector.—For every 100 lbs. weight of gunpowder received into the magazine, 3s. per 100 lbs., to be paid, one half on receiving the same into the magazine, and the other half on delivering the same.

Clerks of the Senate and House of Representatives.—For any copy or extract from the journals of either House, to any person requiring the same, except a member of either branch of the Legislature, or the Executive, each copy sheet, 5d.; for every search, 8d.

Commissioner of Locations.—For receiving applications, making entries, and granting warrants under hand and seal of office, 3s.; for recording a plat and sending it to the surveyor general's office, 7s.; for every search, 8d.

Register of Mesne Conveyances.—For a search, 8d.; for entering satisfaction on a mortgage, 1s.; for recording or copying deeds, each copy sheet, 5d.; for recording or copying a plat, 4s. 8d.; for a certificate from the office, 2s.

Fees of the Ordinary.—For a marriage license, bond, and registering, £1; for a citation and recording, 2s. 6d.; for qualifying administrators, bond, letters of administration, and warrant of appraisement, recording letters and oath, 14s.; for proving a will, probate, recording and filing the will, and certified copy, where it does not exceed four copy sheets, 9s. 4d.: and for every other copy sheet, 5d.; for qualifying executors, letters testamentary, and recording, 5s.; for warrant of appraisement, oath, and recording, 5s., and if renewed, 2s. 9d.; for filing renunciation of executors and recording, 2s.; for a dedimus to prove a will, and qualifying executors, or administrators, and copy of oath, 7s.; for guardianship bond, letters and recording, 14s.; for entering caveat, or withdrawing, 2s.; for a search, 8d.; for hearing a litigated cause, 14s.; for swearing and examining each witness, 6d.; for recording or copying any other writing, per copy sheet, 5d.; for filing petition for sale of testator's effects, examining into the propriety of the proposed sales, and endorsing order thereon, 4s. 8d.; for examining the accounts of executors and administrators, vouchers and filing, for the first year's accounts, 14s.; and for every other year, 5s.

County Attorney.—For commencing and prosecuting an indictment, or information, tried by petit jury or confessed, £1; for entering a *nolle prosequi* by order of the court, 5s.; for commencing and prosecuting a *scire facias*, on forfeited recognisances, 9s. 4d.

County Court Clerk's Fees.—For the whole fees of a tavern license, or permit to retail spirituous liquors, and bond, and furnishing rates, 9s. 4d.; for every search, 8d.; for reading any paper or record filed in court, 6d.; for every writ issued, 2s.; for an attachment granted by the justice of peace, returnable to the court, and putting the same upon the docket, 1s. 6d.; for every summons for a witness or witnesses, 1s.; for entering every cause on the docket, to be charged but once, (except petition and summons,) 6d.; for entering every special bail, 2s.; for entering security for costs for persons out of the county, 1s. 6d.; for entering the appearance of the defendants, (except on summons and petition,) 6d.; for all subsequent proceedings to final judgment and verdict, 3s. 6d.; for all other proceedings, executions inclusive, 2s.; for filing the papers of each party in every cause, where there is a jury or case agreed and argued, 1s.; for all and every other thing done by the clerk during the trial of any issue, 2*s.*; for entering every judgment and copy thereof, 1*s.*; for every recognisance—for entering an appeal and taking bond, and for returning the same to the office of the clerk of the superior court, 4*s.* 3*d.*; for copy of proceedings of the cause, wherein the appeal is granted, for every copy sheet, 5*d.*; for an attachment, 1*s.* 5*d.*; for issuing petition and summons, and entering return thereof, 3*s.*; for entering decree and execution on summary process, 3*s.* 6*d.*; for recording every judgment or other writing, per copy sheet, or copy thereof, 5*d.*; for entering every toll of estrays, keeping the same affixed up at the court-house, and all other incidental charges, 3*s.*

County Clerk's Fees, on Letters of Administration granted by the County Courts.—For a citation, 1*s.* 6*d.*; for each administration bond, 1*s.*; for letters of appraisement, 1*s.*; for a dedimus, 1*s.*; for probate of a will, 1*s.*; for granting letters testamentary, with the will annexed, 1*s.* 6*d.*; for recording any of the above instruments, and the appraisement per copy sheet, 5*d.*; for examining the accounts of executors and administrators, vouchers, and filing the same, under the inspection of the court, for the first year's account, 5*s.*; and for every other year, 2*s.* 6*d.*

SEC. 3. *And be it further enacted by the authority aforesaid,* That if any of the public officers of this State, or other person or persons, entitled to fees by this act, and in the foregoing lists particularly mentioned, shall take or receive any further, other, or greater fee or reward for any of the services in the said foregoing lists respectively mentioned, or shall invent or contrive any other or further fee or reward for any of the said services, then, and in every such case, the person or persons so offending, upon due proof and conviction, shall forfeit for the first offence, four times the amount of the sum so taken, paid, or received, to be recovered in any court of record in this State; one half to be paid to the person who shall sue for the same, and the other moiety to be paid into the public treasury for the use of the State, except in such counties where county courts are established; in which cases, the said last-mentioned moiety shall be paid for the use of the county; and for the second offence shall stand divested of his office, and be rendered incapable of re-appointment to the same; and on information from the court, under hand and seal, the Governor shall fill the vacancy, if the Legislature should not be sitting; and if in the county courts, the vacancies shall be filled up by the justices of the said county.

STATE OF GEORGIA.

"Fees and compensation paid to Attorneys at Law, Prothonotaries, Registers, and Clerks of judicial courts, to Sheriffs and Coroners, to Grand and Petit Jurors, and Witnesses," in the State of Georgia.

Sheriff's Fees, in civil cases.—For serving a copy of a process, and returning the original, 7*s.*; if more than one defendant, for each additional copy served, 2*s.* 4*d.*; for levying execution on the body or property, 7*s.*; for summoning each evidence, 2*s.* 4*d.*; on all sums where the execution does not exceed £15, 5 per cent. on the amount of property sold; on all sums above £15, and where the execution does not exceed £100, 2½ per cent.; on all sums where the execution exceeds £100, 1 per cent.; and that no commission shall be demanded where property is not actually sold. For making out and signing a bill of sale of other property, 4*s.* 8d.: *Provided,* That fees shall be allowed only for one bill of sale, where the same will be sufficient to convey the property sold to one person, or joint purchasers; unless the purchaser, or purchasers, shall choose more than one. For conducting a debtor, under confinement, before a judge or court, 4*s.* 8*d.*; for summoning a jury to try a caveat, and attendance, 4*s.* 8*d.*; for summoning a special jury, and all other services, attending trials of appeal cases, 4*s.* 8*d.*; for a bail bond, 4*s.* 8*d.*; for making out and executing titles to land, 14*s.*; (if wrote by the purchaser, 4*s.* 8*d.*)

Sheriff's Fees, in criminal cases.—For re-committing any person when a *habeas corpus* is brought to his relief, 4*s.* 8*d.*; for summoning a jury, 4*s.* 8*d.*; on every copy of a *mittimus,* 1*s.* 2*d.*; for every mile a prisoner shall be removed on a *habeas corpus,* 1*s.* 2*d.*; for removing a prisoner by *habeas corpus,* where no mileage is paid, per day, 4*s.* 8*d.*; for executing a criminal, 37*s.* 4*d.*; for conducting a prisoner, before a judge or court, to and from jail, 4*s.* 8*d.*; for executing a warrant of escape, 3*s.* 6*d.*, for each mile to serve the same, 2*d.*; for executing and returning a bench warrant, 4*s.* 8*d*; for each mile to serve the same, 2*d.*; for putting a person into the stocks, 2*s.* 4d.; for whipping, cropping, or branding a criminal, 4*s.* 8*d.*; for apprehending a person suspected, if committed or held to bail, 4*s.* 8*d.*; for each person, not exceeding two, who may be employed to guard a prisoner to jail, per day, 4*s.* 8*d.*

Coroner's Fees.—For summoning an inquest on a dead body, and returning the inquisition, 46*s.* 8*d.*; for providing a coffin, and burial expenses, 14*s.* In all other cases, the same as the sheriff.

Register of Probate's Fees.—For receiving application, and granting citation, 4*s.* 8*d.*; for signing a warrant of appraisement, 2*s.* 4*d.*; for signing the probate of a will, 4*s.* 8*d.*; for recording a will or other paper, per copy sheet, 3½*d.*; for a certified copy of a will or other paper, per copy sheet, 3½*d.*; for receiving an appraisement, and recording the same, if under $100, 2*s.* 8*d.*; if above $100, 4*s.* 8*d.*: for receiving application, and granting letters dismissory, 4*s.* 8*d.*; for granting citation to show cause why administration should not be repealed or set aside, 9*s.* 4*d.*; for granting letters of administration, or letters testamentary, 9*s.* 4*d.*; for entering a *caveat* against administration being granted, or will proven, 4*s.* 8*d.*; for every marriage license, 4*s.* 8*d.*; for attending judges for determining a *caveat,* per day, 4*s.* 8*d.*

Fees of the Attorney General.—For drawing a *capias* against a person indicted and not bound over, or against a person presented by a grand jury, 1*s.* 2*d.*; for drawing a *capias* against a defaulting juror, 2s. 4d.; for dawing an indictment against a person presented by the grand jury, and bound over, 4s. 8d.; for entering a *nolle prosequi*, 7d.; for attending at judges' chambers to take the affidavit of any person, in criminal cases, 4s. 8d.; for drawing an affidavit, or any other instrument of writing, per copy sheet, 3½d.; for a subpœna in criminal cases, 1s. 2d.; for retaining fee against persons indicted, 14s.

Attorneys' Fees.—On each cause commenced and tried in the superior or inferior courts, 18s. 8d.; on each appeal prosecuted to judgment, except appeals from a justices' court, 18s. 8d. (where the defendant prevails, to receive the fee in lieu of the plaintiff's attorney).

Jurors' and Witnesses' Fees, in civil cases.—To the petit jury, for each cause tried, to be paid by the plaintiff, and taxed in the bill of costs, 4s. 8d.; to a special jury, for each appeal tried, to be paid by the appellant, and taxed in the bill of costs, 4s. 8d.; to each witness, per day, for his or her attendance, and for coming and returning, allowing thirty miles for a day, not allowing for more than three witnesses, to be paid by the person summoning the same, and taxed in the bill of costs, 3s. 6d.; the witnesses to have the same allowance in criminal cases, where the person prosecuted is found guilty.

Clerk's Fees, in criminal cases.—For every writ and seal, 1s. 2d.; for every panel of a jury, 1s. 2d.; for every order on a fine for a juror, (unless excuse made,) and entering the same, 1s. 2d.; for ordering a fine peremptory, entering and reading, 1s. 2d.; for copying the same for the attorney general, 1s. 2d.; for fee on a writ of *capias* and seal, 1s. 2d.; for the clerk's attendance in hearing a motion in arrest of judgment, or at the judges' chambers on a petition preferred, or a *habeas corpus*, or to take the examination or information of any person, 3s. 6d.; for taking an examination, information, or affidavit, per copy sheet, six-and-a-quarter cents; for drawing a warrant, 1s. 2d.; for a commitment or liberate, 1s. 2d.; for taking an acknowledgment of bail before the judge, or in court, and drawing recognisance thereof, 2s. 4d.; for every subpœna ticket, 7d.; for every indictment, if the criminal be found guilty, 2s. 4d.; for every arraignment, or charging a defendant with indictment, if found guilty, 1s. 2d.; for entering a plea, 7d.; for calling a jury, 7d.; for clerk's attendance on every cause tried, 1s. 2d.; for every sentence or judgment, and entering the same, 1s. 2d; for every copy of every indictment, or other paper, 4d.; for every copy of judgment to the sheriff and order thereon, 1s. 2d.; for calling a traverse, or discharging a recognisance, 1s. 2d.; for recording the proceedings of a cause, per copy sheet, 6¼ cents; for every person acquitted by proclamation, 1s. 2d.; for every search, 7d.; for a writ of *dedimus potestatem*, 4s. 8d.; for renewal of *capias*, 1s. 2d.

Fees of the Clerk in the Superior Court, in civil cases.—For every suit commenced therein, if settled before judgment, and each nonsuit, 7s.; for each copy of a writ, where there are more than one defendant, after the first copy, 2s. 4d.; for every suit so commenced and prosecuted to judgment, including every service, to entering up satisfaction, 14s.; for each appeal, if settled before verdict, 4s. 8d.; for each appeal, prosecuted to judgment, including every service, to entering up satisfaction, 9s. 4d.; for every writ of subpœna and ticket, 7d.; for a writ of partition and lands, 14s.; for issuing a commission to examine witnesses, 4s. 8d.; for making out letters of guardianship, and security taken, 4s. 8d.; for every order for the sale of land, and copy thereof, 2s. 4d.; for recording any instrument of writing, per copy sheet, 6¼ cents; for each search, 7d.; for a certified copy of any record, per copy sheet, 3½d.; for every foreclosure of mortgage, and recording proceedings, 4s. 8d.; for every inquiry of title, respecting property levied on by the sheriff, and claimed by a third person, 4s, 8d.; for every tavern license, including every service therein, 4s. 8d.

Fees of the Clerk of the Inferior Court.—For each cause settled before judgment, and each appeal to the superior court, 7s.; for each copy of a writ, where there are more than one defendant, after the first copy, 2s. 4d.; for each cause commenced therein, and prosecuted to judgment, not appealed from, including every service, to entering satisfaction, 14s.; for subpœna tickets, commissions, and letters of guardianship, and inquiries respecting property claimed, nonsuits, and any other service performed, the same fees as allowed to the clerk of the superior court; for each appeal, prosecuted to judgment, from a justices' court, 4s. 8d.; if settled by the parties, 2s. 4d.; including every service, to entering satisfaction.

STATE OF KENTUCKY.

Table of Fees and Compensation allowed by law to the respective Officers and others, as hereinafter mentioned,

Attorneys-at-law in the Court of Appeals.—In every chancery cause, to be taxed in the bill of costs, $10; in every common law action, $5.

Note.—These are the fees taxed, but no attorney is restrained from receiving or demanding more from his client; and the fees paid, in fact, are in the general not less than $20 in common law cases, and $30 in chancery. Attorneys prosecuting for the Commonwealth are appointed in each county by the courts thereof, the circuit court appointing an attorney to prosecute therein, the county court also appointing their attorney; the allowance to each is at the discretion of the court annually, and varying according to the population, wealth, &c. of each county, from $100 to 300. No fees are taxed for attorneys in criminal cases; in civil cases, where the State prevails, the same fees are taxed against the defendant for the use of the attorney for the Commonwealth as in other similar cases.

To Sheriffs.—For an arrest and return, 62½ cents; for every bail bond, (by act of 1799, vol. 2 Brad. page 55,) 50 cents; for returning a *capias non est inventus*, 21 cents; for serving a *scire facias*, 31 cents; for serving any person with an order of court, and making return thereof, 31 cents; for pillorying any person, 41½ cents; for putting into the stocks, 21 cents; for ducking any person, 41½ cents; for putting in prison and releasement, 41½ cents; for serving subpœna in chancery, 31 cents; for serving subpœna for a witness in any cause in court, except summoned in court, 21 cents; for summoning an appraiser, auditor, viewer, or witness to a deed, will, or writing, if required to be summoned, 21 cents; for summoning and empannelling a jury in every cause wherein a jury shall be sworn, $1 40; for summoning a jury in a criminal case, (act of 1802,) $1 50; for coming to and attending the district court with the *venire*, and return of the *venire facias*, the same as is allowed to a *venire man*, (to be paid by the public;) and for attending the district court with stolen goods, where there is no *venire man*, the same, $1 04; for summoning the justices of the county, attending a court of oyer and terminer, for the examination of a criminal, $4 17; for removing every criminal from any county jail to any public jail, for every mile, 12½ cents; for every horse impressed for that purpose, for each day, (act of 1802,) 25 cents; for removing a debtor by *habeas corpus* from any county jail to any public jail, for every mile, 4½ cents; for executing a condemned person, and all fees incident, $5 21; for summoning a jury upon any inquisition, survey, writ of dower, or partition, if the jury appear, $3 12½; and if the jury do not appear, $1 56; for making a return of a writ of dower, partition, or in nature of an *ad quod damnum*, $1 04½; for each day's attendance on a jury in the country after they are sworn, or attendance on a surveyor when ordered by the court, $1 04½; for serving a writ of *habere facias possessionem* or *seisinam*, 63 cts; for serving a declatation in ejectment, if against one tenant, 63 cents; if more than one, for every other tenant, 31 cents; for whipping a servant, to be paid by the owner, and repaid by the servant, 41½ cents; for whipping a free person by order of court, to be paid by such person, 41½ cents; for whipping a slave by order of court, to be paid by the public, 41½ cents; for selling a servant at public outcry by order of court, and all fees incident, 41½ cents; for keeping and providing for a debtor in jail, each day 21 cents; for keeping or providing for a runaway or criminal in jail, each day, to be paid by the public, 18 cents; for serving an execution, if the property be actually sold, or the debt paid, or where the sheriff shall have taken bond for the delivery of property. which, if not complied with at the day of sale, five per centum on the first hundred pounds, and two per cent. on all sums above that; and where he shall have levied an execution, and the defendant shall have replevied, or where, under the same circumstances, execution is stopped by injunction, writ of error, or *supersedeas*, by order of the party for whom it is issued, one-half the above commissions; for serving an attachment on the goods exceeding three pounds, if sold, the same fee as for serving an execution—where the goods do not exceed that value, or are not sold, 63 cents; for every garnishee summoned on attachment, 21 cents; for serving a writ of *distringas*, 66 cents; to the sheriff of Franklin for attending the court of appeals, for each day, $4; to all public services of sheriffs, viz: attending courts of claims, empannelling grand juries, publishing writs of election, and his attendance thereat, serving all public orders and courts, and all other public and county services, a yearly sum not exceeding $40, to be levied annually by the justices of the county; and the sheriff shall lay before the court an account of his services, to enable them to judge of the quantum within the said limit.

To the Coroner.—For an inquisition on a dead body, to be paid out of the estate of the deceased if the same be sufficient, if not, by the county, $6; all other services rendered by him, the same fees as are allowed sheriffs for similar services.

Guards, summoned and attending, to secure criminals in jail are allowed, per day, 75 cents; for travelling to and returning from guarding any prisoner to the public jail, (the said guards furnishing themselves at their own expense,) per mile, 3 cents.

To the Clerk of the Court of Appeals.—For every writ of *dedimus potestatem*, 37½ cents; for taking bond, issuing *supersedeas*, 43 cents; for entering the appearance of either party in person or by attorney, 16 cents; for every rule entered on the rule docket, 16 cents; for copy of every rule, 16 cents; for entering every continuance on the court docket, 25 cents; for administering an oath or affirmation in court, 16 cents; for entering every judgment, 25 cents; for copy thereof, 16 cents; for entering every decree, 50 cents; for copy of the same for every twenty words, 2 cents; for filing record upon an appeal, writ of error, or *supersedeas*, 25 cents; for copy of such record, for every twenty words, 2 cents; for taxing the costs in any action or suit, and a copy thereof, 35 cents; for every order to a witness for attendance, to be charged to the party against whom such order goes, 16 cents; for copy thereof, 16 cents; for attachment thereon, 16 cents; for every order in court, 25 cents; for recording a deed where one tract of land only is conveyed, taking the acknowledgment or proof thereof, and certifying the same, $1; for every tract more than one contained in such deed, 25 cents; for recording each certificate annexed to, or endorsed on such deed, when offered to be recorded, 16 cents; for a copy of any deed, three-fourths of the fee for recording the same; for recording a deed concerning slaves or personal matters only, $1; for a copy thereof, 75 cents; for recording a letter of attorney, 75 cents; for a copy thereof, 50 cents; for recording a bond with condition other than for the performance of covenants, 75 cents; for a copy of a bond with condition, 50 cents; for a search for anything above one year's standing, and reading the same over, or any part thereof, if required, 16 cents; for docketing every cause to be charged but once, 16 cents; for every other service of the clerk a reasonable compensation shall be made by the party, to be determined by the court, according to the equity of the case, and a regard to the fees herein allowed; for recording or transmitting a memorial of a deed to the clerk of the county wherein the lands lie, 12½ cents.

The following fees established by the Court of Appeals by the power hereinbefore recited, viz: —For filing errors, or for a copy thereof, 35 cents; for filing the record upon the return of a *certiorari*, 25 cents; for entering the return of writ of error, *supersedeas*, *certiorari*, summons or execution, 28 cents; for recording a recital of a former grant or conveyance of land, &c., in any deed contained, 75 cents; for recording or copying a receipt, 16 cents; for recording a certificate endorsed on or annexed to any instrument of writing when offered for record, or for copy thereof, 16 cents; for entering every plea or for a copy thereof, 28 cents; for entering sheriff's return upon any writ or precept, or for a copy thereof, 28 cents; for swearing a jury in any cause or suit, 75 cents; for recording any verdict of a jury or matter, agreed by the parties, for every twenty words, 2 cents; for a copy of an execution and return thereon, 37½ cents; for recording the award of arbitrators, the report of auditors, viewers, or commissioners, or a copy thereof, for every twenty words, 2 cents; for a copy of any bond taken by any clerk of the superior or inferior courts directed by law to be taken, and not included in a complete record in such case, 50 cents; for copy of any account not included in a complete record, if it be contained in one page or less, or for recording the same, 35 cents; for recording or copying an account for every twenty words more than are contained in one page, 2 cents; for an order to advertise, or an order of survey, 37½ cents; for recording a connexion of surveys, or for a copy thereof for every survey in such connexion, 16 cents; for recording, making out a complete record, or for a copy thereof, for every twenty words, 2 cents: for recording or copying every paper not herein otherwise provided for, every twenty words, 2 cents; for recording a commission, or for issuing the same to take the relinquishment of a *feme coverte*, 50 cents; for recording bond for the conveyance of land or for a copy thereof, 50 cents; for recording articles of agreement or copy, $1; for filing the papers of each party in any cause, 25 cents; for affixing seal of office and certificate accompanying the same, 50 cents; for each certificate for which no fee is herein specially allowed, 25 cents; for recording every official certificate for which no fee is herein specially allowed 25 cents; for copy of a *caveat* separate from complete record, 25 cents; for copy of a grant or patent filed with papers, 43 cents; for copy of a plat and certificate, with papers, 25 cents; for copy of every entry from commissioners' books, 25 cents; for copy of every entry from surveyors' books 17 cents; for recording the return on a *mandamus* for every twenty words, or a copy thereof, 2 cents; for issuing execution, 33 cents.

Fees of the Clerk of the General Court.—For similar services, the same fees as the clerk of the court of appeals is entitled to; and for services not before specified, the same fees which were allowed to the late district and quarter session courts, viz: for every writ other than those particularly specified with the endorsement, 25 cents; for a copy thereof, 15 cents; for copy of a bail bond, 25 cents; for entering special bail, or for a copy thereof, if required, 18 cents; for filing declaration, plea, or demurrer, 10½ cents; for every *scire facias*, and recording the return, 40 cents; for every writ of *elegit*, 30 cents; for recording the return thereof, every twenty words, 2 cents; for taking bonds upon injunctions in chancery, or upon appeals or *certiorari*, 33 cents; for returning an appeal, writ of error, or *certiorari*, 25 cents; for filing the same, 12½ cents; for recording the acknowledgment of a satisfaction of a judgment, 18 cents; for each summons for a witness or witnesses, 18 cents; for administering an oath in court not relating to the trial of the cause, and certifying the same, 18 cents; for issuing a subpœna in chancery, 21 cents; for endorsement on a subpœna or injunction, 10 cents; for filing each bill, answer, replication, or other pleading in chancery, 10 cents; for recording report of surveyor for every twenty words, 2 cents; for a copy of the same for every twenty words, 2 cents; for every writ of *idiota inquirendo*, 25 cents; for recording return, for every twenty words, 2 cents; for making complete record in every cause, for every twenty words, 2 cents; for copy of the same, for every twenty words, 2 cents; for copy of every paper or record not otherwise provided for, every twenty words, 2 cents; for public services for which no fees are herein particularly provided, a yearly sum to be adjudged by the court, not exceeding $80.

Clerks are allowed a reasonable compensation for paper, books, and presses, to be adjudged of and certified by their respective courts.

Grand and petit jurors are not allowed any compensation; they are not called without the limits of their respective counties by the present laws establishing the judiciary; and repeated attempts have been unsuccessfully made in the Legislature to change the mode of summoning petit juries, (who are taken now from among the bystanders,) and to give them a compensation.

Jurors summoned by *venire facias*, for the trial of criminals, were allowed, under the district court system, where they were liable to be called without the limits of their respective counties, five shillings per day, for attendance and mileage, at the rate of two pence; and ferriages going and returning. Under the present circuit court system, they are allowed 2*s*. 1*d*. per day, for attendance, and mileage at the rate of 2*d*. going and returning, and ferriages.

Witnesses.—For attending the court of appeals or general court, 5*s*. per day; and where they reside without the county in which the court is holden, 2*d*. per mile, going to and returning from the court, and ferriages; for attending circuit courts, county court, arbitrators, to have their depositions taken, &c. &c. 2*s*. 1*d*. per day, and mileage going and returning where summoned beyond the limits of their county, at the rate of 2*d*. and ferriages; witnesses attending in criminal cases are entitled to similar allowances, to be paid by the Commonwealth, but not allowed in any case to claim their attendance in more than one cause for the same attendance, though summoned in several cases; not more than three witnesses for proof of any one fact, to be taxed in the bill of costs.

FRANKFORT, KENTUCKY, *Dec.* 14, 1807.

SIR: The foregoing is a table of fees allowed by law in this State, extracted and compared with the different laws upon the subject.

Whilst the subject of fees and costs of judicial proceedings is before the Congress of the United States, it may not be unavailing to mention that the subject of costs in actions prosecuted on behalf of the Government, where such actions are unsuccessful, has produced much perplexity in the federal courts of this State, and the clerk's fees in particular. By the State regulations, all fees for public services in criminal and civil case, are included (some few services excepted) in a gross allowance to officers of courts for *ex officio* services, to be certified by the courts, not exceeding a limited sum; in misdemeanors, the prosecutor must be named at the foot of the indictment or presentment, and is liable for costs if unsuccessful, and may, at the discretion of the court, be compelled to give security for costs; if the prosecution succeeds, the costs are taxed against the prosecuted. Witnesses in criminal cases of felony are paid by the Commonwealth, but in all cases must look to the prosecuted or prosecutor as the case may be.

The claims of clerks, marshals, and witnesses, upon many *prosecutions* in this State which have ended *unsuccessfully*, particularly in cases arising under the late excise laws, are very considerable, and, indeed, remain as yet undecided to a considerable extent. What alteration or definite declaration of Legislative will in this respect, or whether any is necessary, I submit to your better experience as the Attorney General of the United States.

Believe me, sir, it will, at all times, be pleasing to render you, as an officer of the Government, or individually, any assistance in my power. I am, sir, very respectfully, your fellow-citizen.

GEO. M. BIBB.

C. A. RODNEY, Esq.

STATE OF TENNESSEE.

List of Fees due to the different Officers in Tennessee.

To Attorneys.—For each suit in chancery, $12 50; for each suit in the superior courts on the law side, $6 25; for each suit originally commenced in the county courts, $2 50; for each suit taken to said county courts by appeal, $1 25.

To the Attorney General.—For each bill of indictment, in Supreme Courts, (true bill,) $3 00; for each bill of indictment, in Supreme Court, (ignoramus) $1 25.

To clerks of the Supreme Court.—For every leading process returnable to the first court, including all services thereon, together with dismission or final judgment, (if either happen) $1 00; for every continuance or reference of every cause after the second court, including all fees for every necessary service, 40 cents; for entering every presentment or indictment, together with charging the prisoner and entering his plea, 60 cents; for the court at which the cause is determined, including all services in entering judgment, $1 60; for every subpœna, if not more than four witnesses inserted, 20 cents; for every execution and order of sale, and all services in issuing, taxing costs, and receiving return for the same, 40 cents; for every *scire facias* for bail, *all services thereon*, 80 cents; for a copy of a record of any cause when demanded by either party, 60 cents; for every recognisance, 20 cents; for every order or rule of court, made on a matter foreign to a suit depending, and a copy thereof, 24 cents; for searching a record out of court, ten cents; for a commission to take examination of witnesses on any cause depending, or to take examination of a *feme coverte*, and all services thereon, 20 cents; for a special *venire facias* to examine and return the bounds of land, 80 cents; for a special verdict, demurrer, or motion in arrest of judgment and argument thereon, 40 cents; for a writ of error, *certiorari* or appeal, with a transcript of the record, and all services, $1 60; for making certificates of witnesses and jurors' attendance, 6 cents; for each security taken in issuing a writ, 20 cents; for recording such bond, with security, 20 cents.

To Clerks and Masters in Equity.—For a report on an answer, 40 cents; for a report on a plea, and answer, 40 cents; for a report on a demurrer, and answer, 40 cents; for an affidavit to a bill or answer, 25 cents; for a separate affidavit, 25 cents; for a copy, by the office copy sheet, 25 cents: for a report stating an account, one per cent. on the amount of each act exhibited, if under £200, if over, one half per cent.; for copies of proceedings and exemplifications, (copy sheet,) 25 cents; for copies of bills or answers, (by copy sheet,) 25 cents; for every injunction, $1 50 cents; for every subpœna to answer writ or other leading process, $1 25; for every *scire facias*, 75 cents; for entering a plea or demurrer, 25 cents; for recording depositions to perpetuate testimony, by copy sheet, 35 cents; for every rule given for service, 25 cents; for every rule not for service, 15 cents; for every *dedimus potestatem*, 50 cents; for commissioners to take the affidavits of parties to an answer, $1 00 for every subpœna for witnesses (each witness,) 25 cents; for every order of publication, $1 00; for entering every issue of fact, and every service attending the trial by jury, $1 00; for each security for prosecution of a suit, 25 cents; for recording prosecution bond, 15 cents; for drawing decrees by the copy sheet, 25 cents; for enrolling same, by copy sheet, 25 cents; for drawing deed of conveyance, when decreed "for parties to convey the right," reciting suit &c. $2 00, for every notice issued not for publication, 25 cents; for searching the record out of court, 25 cents; for every continuance after first court, 25 cents.

To Sheriffs.—For every bail bond, 25 cents; for serving a copy of a declaration, 75 cents; for serving a subpœna, on each person, 25 cents; for pillorying a person, 50 cents; for each arrest on process, $1 00; for an attachment, the same as for an arrest; if additional trouble, to be taxed by general court; for executing a warrant of distress or execution against the body or goods, at 2½ per cent., summoning jury, &c., 12 cents; for serving a *capias*, a writ for the body, $1 00; for putting persons in the stocks, and releasing, 50 cents; for commitment and releasement, each, 50 cents; for every *scire facias*, 60 cents; for returning the same, or any other process not found, half of the sum for executing it; for serving a subpœna in equity, 60 cents; for serving a writ of possession of land, $1 00; for executing any condemned person $12 50; for serving and attending any person on a *habeas corpus*, per day, $1 00; for whipping a person by order of court, 50 cents; for summoning garnishee, 60 cents; for every time an action is called in court, 4 cents; for imprisonment of felons or any other person, and finding them per day, 25 cents.

To Coroners.—The same fees as to sheriffs for similar services.

To Registers.—For registering each grant or deed where only one tract of land is conveyed 81¼ cents; for each tract over one, 25 cents; for each search of a register's book, 12½ cents; for each copy of deed, grant, &c., and a certificate, 75 cents.

To Grand Jurors and Petit Jurors other than Talesmen.—Attending the superior courts, per day, $1 00.

To Witnesses.—Attending the superior courts, per day, and for every thirty miles travelling $1 00.

STATE OF OHIO.

An Act regulating the Fees of Civil Officers, in civil and criminal cases.

Section 1. *Be it enacted by the General Assembly of the State of Ohio*, That, from and after the taking effect of this act, the fees and compensations of the several officers, and other persons herein mentioned, shall be as follows, and no more, viz:

Sheriff's Fees in the Common Pleas.—For the service of every writ or summons, and return thereof, (subpœnas only excepted,) when only one defendant is named therein, 15 cents; for every bail-bond, 60 cents; for every commitment to prison, 30 cents; for discharging a person from prison, 30 cents; for attending a prisoner before a judge, or in court, when required, 30 cents; for serving a writ of possession with the aid of the *posse comitatus*, $2; for serving the said writ without such aid, 75 cents; for executing a writ of inquiry, and returning the same with the inquisition, $1 25; for the copy of any writ or process necessary to complete a service, for each hundred words thereof, 10 cents; for serving and returning a subpœna for each person named therein and actually summoned, 10 cents; for travelling fees upon each writ of subpœna, 4 cents; for summoning a jury, to be allowed on each issue, including fees, 50 cents; for summoning a grand jury to attend the court of common pleas, including travelling fees, to be paid by the county $2; for making out a list, for striking a special jury, and delivering the same, 50 cents; for summoning a special jury, including travelling fees, $2; for travelling fees upon all writs, precepts, and subpœnas not otherwise provided for, to be computed from the place of return to the place of service, per mile 5 cents; for poundage on all moneys made on execution, 2 per cent.; for service of a declaration in ejectment and return, the same fees as allowed for the service of a summons; for making and executing a deed for land sold on execution, to be paid by the purchaser, $2; for making a deed for land sold for taxes, to be paid by the purchaser, $1; for serving a *scire facias*, and making return thereof, 35 cents; for serving any person with an order of court, and making return thereof, 30 cents; for serving a subpœna in chancery, 30 cents; for keeping and providing for a debtor in jail, each day 25 cents; on each action for opening court, to be charged once every term, 8 cents; on calling action, each term, 8 cents; for calling jury 10 cents; for calling each witness, 4 cents.

Sheriff's Fees in the Supreme Court.—For executing a criminal, to be paid out of the county treasury, $8; for bringing up a person on *habeas corpus* in civil causes, 75 cents; for travelling fees, the same as in common pleas; and all other services rendered in the supreme court, the same fees as allowed for similar services in the court of common pleas; provided that no compensation shall be allowed the sheriff for any service performed in the supreme court, for which service a compensation is not herein provided in the court of common pleas. For summoning a jury on forcible entry and detainer, or forcible detainer, $2; for serving a writ of restitution, 75 cents, and mileage thereon as in other cases; for serving summons in forcible entry and detainer, 35 cents, and mileage as in other cases.

When the State of Ohio fails in prosecution, or the defendant proves insolvent, or unable to pay the fees when convicted, no fees for any services, by the sheriff or other officer, in such case performed, shall be paid by the county treasury, (the ordinary diet, fuel and water, furnished to a prisoner, only excepted,) any law, custom, or usage to the contrary notwithstanding: *Provided*, That the sheriffs of the several counties, for their fees in all prosecutions, where the State of Ohio fails in prosecution, or where the criminal shall prove insolvent, or unable to pay, for publishing writs for electing members of the General Assembly, and all other public and county services not otherwise provided for, they shall, respectively, receive, annually, a sum not more than $60, nor less than $20, to be paid out of the county treasury upon the order of the commissioners.

Clerk's fees in the Supreme Court, in civil cases.—For filing ticket, sealing writ, and entering the same, 25 cents; for filing declarations or other papers, when required 6 cents; for entering the sheriff's return, 6 cents; for docketing every cause, to be charged but once, 6 cents; for entering the appearance of either party, by attorney or personally, to be charged but once, 8 cents; for entering every special rule, 6 cents; for entering every special bail 12 cents; for swearing and empanneling a jury, 25 cents; for administering an oath or affirmation (except to jurors) in court, 4 cents; for taking and entering verdict, 6 cents; for entering up every judgment, or a copy thereof, 16 cents; for engrossing special verdict, per sheet of one hundred words, 10 cents; for entering a discontinuance, 10 cents; for attending on striking special jury, and delivering copies, 50 cents; for entering satisfaction on record, 10 cents; for drawing process when required, for every sheet of one hundred words, 10 cents; for entering issue joined, 15 cents; for drawing cost bill, 35 cents; for copy of a rule of reference, 25 cents; for commission to take depositions with the seal of court, 50 cents; for each and every continuance, 10 cents; for a *venire facias*, 25 cents; for making a complete record in every cause, for every twenty words, 2 cents; for copy of record and proceedings when required, per sheet of one hundred words, 10 cents; for certificate, with the seal annexed, 50 cents; for every copy of every paper or record, not herein otherwise provided for, for every twenty words, 2 cents; for every writ of error, *supersedeas*, *certiorari*, or *habeas corpus*, 25 cents; for taking bond on issuing writ of error, *supersedeas*, *certiorari* or *habeas corpus*, 37½ cents; for filing the record upon an appeal, writ of error, *supersedeas*, *certiorari*, or *habeas corpus*, 12½ cents; for every order to a witness for attendance, to be charged to the party against whom such order goes, 6 cents; for subpœna in chancery, 20 cents; for filing each bill, answer, replication, or other pleadings in chancery, 10 cents; for an order to advertise, 25 cents; for entering every decree at large, for every twenty words, 2 cents; for entering security for costs, 6 cents; for a search or examination of the records, if a copy is not required, 12½ cents, (suitors and officers of the court excepted.)

Clerk's Fees in the Supreme Court, in criminal cases.—For entering defendant's appearance, 8 cents; for discharging on bail, 10 cents; for drawing process, 25 cents; for entering plea, 6 cents; for drawing a subpœna and seal, 25 cents; for administering an oath or affirmation (excepting to jurors) in court, 4 cents: for making up the record, for every sheet of one hundred words, 10 cents; for entering judgment, 12½ cents; for taking cognizance, and entering the same, 25 cents; for copies of indictments or pleadings, per sheet of one hundred words, 10 cents; for copy of the traverse, 10 cents; for entering every order or special rule of court, 10 cents; for copy of the same, when required, 8 cents; for entering a *nolle prosequi* or *cessat processus*, 6 cents; for a search or examination of the records, and reading the same, if a copy is not required, 12½ cents.

Clerk's Fees in the Court of Common Pleas.—For filing ticket, and issuing capias, attachment, replevin, execution, certiorari, supersedeas, or summons, under the seal of the court, and entering the same, 25 cents; for drawing writs, *scire facias*, with the seal of the court annexed, per sheet of one hundred words, 10 cents; for entering the appearance of either party, by attorney or personal, to be charged but once, 8 cents; for entering the sheriff's return, 6 cents; for docketing every cause, to be charged but once, 6 cents; for filing declaration, demurrer, pleadings, depositions, or other necessary documents, each, 4 cents; for receiving the panel, and swearing the jury, 12 cents; for swearing each witness, 4 cents; for every order to a witness for attendance, to be charged to the party against whom such order goes, 6 cents; for swearing a constable, 4 cents; for taking and recording a verdict, 10 cents; for entering judgment, 10 cents; for entering a discontinuance, 10 cents; for entering every special rule, 6 cents; for a commission to take depositions, under the seal of the court, 50 cents; for every writ of subpœna for one or more witnesses, 12 cents; for taking bail, 12 cents; for issuing bail piece, when required, 40 cents; for recording the proceedings and judgment in each action, per sheet of one hundred words, 10 cents; for copy of record or pleading on file, when required, per sheet of one hundred words, 10 cents; for entering confession of judgment, 10 cents; for entering confession of lease, entry, and ouster in ejectment, 10 cents; for copy of a rule of reference, with the seal of the court annexed, 25 cents; for entering satisfaction of a judgment on record, 12½ cents; for the writ of *venire*, to be taxed on each issue tried, 12 cents; for entering a continuance, 10 cents; for a *venire facias* for a special jury, 25 cents; for attending the striking a special jury, and furnishing the panel thereof to each party, 50 cents; for reading and entering allowance of habeas corpus, writ of error, or *certiorari*, and the return, 15 cents; for making out a copy of a record, with the seal of the court and certificate annexed, upon appeal, writ of error, habeas corpus, or certiorari, and transmitting the same, for each sheet of one hundred words, 10 cents; for each certificate to which the county seal is required, and not herein provided for, 50 cents; for the probate of any will or testament, and certificate thereof, 33 cents; for recording a will, for every twenty words, 2 cents; for administering an oath to executor or administrator, and taking bond, 40 cents; for entering the order or orders for appraising the estate, 12½ cents; for copy thereof, 12½ cents; for letters of administration and copy, $1; for recording inventory, for every twenty words, 2 cents; for a copy of a will or inventory, for every twenty words, 2 cents; for filing appeal from justice of the peace, and docketing the same, 8 cents; for entering security for costs, 6¼ cents; for a search or examination of the records, and reading the same, if a copy is not required, 12½ cents; for a search or examination of the estray book, and reading the same, if a copy is not required, 6¼ cents; for entering appeal, and taking bond to prosecute it, 33⅓ cents; for subpœna in chancery, 20 cents; for filing each bill, answer, replication, or other pleading, in chancery, 8 cents; for an order to advertise, 25 cents; for entering every decree at large, for every twenty words, 2 cents; for drawing cost bill, 35 cents; for entering allowance of writ of error, habeas corpus, or certiorari, 15 cents; and the clerks of the respective courts shall be allowed by the commissioners of their proper county, annually, a reasonable compensation for money expended in purchasing blank books, which sum shall be paid out of the county treasury.

Clerk's Fees in the Court of Common Pleas in Criminal Cases.—For issuing a *capias* or other process upon indictment, under the county seal, 25 cents; writ of subpœna for one or more witnesses, 20 cents; a *venire* for traverse jury, to be allowed in each trial, 25 cents; entering defendant's appearance or plea, 6 cents; receiving the panel and swearing the jury, 12 cents; swearing each witness, 5 cents; swearing a constable, 4 cents; receiving and entering verdict, 12 cents; entering judgment, 16 cents; making up the record, for every sheet of one hundred words, 10 cents; copies of a record or original paper on file, when required, per sheet of one hundred words, 10 cents; drawing up a recognisance in form, when required, 25 cents; drawing cost bill, 35 cents: *Provided,* That the clerks of the courts of common pleas, in the several counties, for their fees in all prosecutions, where the State of Ohio fail, or where the criminal shall prove insolvent, or unable to pay, shall respectively receive, annually, a sum not exceeding $50, nor less than $20; and for opening, adjudging, and certifying the returns of members of the General Assembly, and county officers, they shall respectively receive, annually, a sum not exceeding $6, nor less than $2, to be paid out of the county treasury, upon the orders of the commissioners.

Recorder's Fees.—For recording a mortgage, deed of conveyance, letter of attorney, or any other instrument of writing, for every sheet of one hundred words, 12½ cents; all copies of records, for every sheet of one hundred words, 10 cents; every search, 12½ cents.

Coroner's Fees.—For the view of a dead body, $3; drawing all necessary writings, and making return, for every hundred words, 10 cents; for travelling, each mile, to the place of view, 5 cents; for issuing a *venire* for a jury, 25 cents; to each juror, upon inquisition of a dead body, 50 cents. The coroner's, constable's, and juror's fees, to be paid out of the county treasury. All services rendered, under the authority of the court, the same fees as are allowed the sheriff for the same services.

Fees of Justices of the Peace, in Civil Cases.—For a summons or *capias*, 12½ cents; every subpœna for one person, 10 cents; each person, in addition, 4 cents; entering judgment on trial, 25 cents; when confessed, 12½ cents; granting and issuing execution, 25 cents; a certified copy of proceedings, on an appeal or *certiorari*, 30 cents; every continuance or adjournment, at the request of the party, 10 cents; granting and entering rule of reference, 10 cents; copy thereof, 10 cents; taking recognisance of bail, 25 cents; issuing bail piece, 12 cents; swearing witnesses, each, 4 cents; issuing writs of attachments, 25 cents each; *scire facias*, 20 cents; advertising bans of matrimony, 50 cents; marrying, and making return thereof, $1 50 cents; the proof or acknowledgment of a deed or other instrument of writing, with a certificate thereon, 25 cents; taking depositions, 10 cents for every hundred words; for granting certificate, 10 cents; for entering discontinuance or satisfaction, 10 cents.

Fees of Justices of the Peace in Criminal Cases.—For a warrant in criminal cases, 25 cents; taking an examination in writing, 10 cents for every hundred words; swearing each person, 4 cents; taking recognisance, 25 cents; a commitment to jail, 25 cents; a search warrant, 25 cents.

Constables' Fees in Civil Cases.—For serving summons or other writ not herein provided for, on each person therein named, 10 cents; for travelling, in going to serve the aforesaid process, per mile, 5 cents; and when two or more persons are named in such process, mileage to be allowed only to the most remote place of service. For copy of a summons left at the place of abode, 12½ cents; for serving execution on body or goods, 20 cents, and mileage as above; for commitment to prison, 25 cents, and mileage as above; for summoning a jury upon a dead body, 75 cents; on all sums made on execution, 4 per cent.; for attending upon a jury, on each trial, 25 cents.

Constables' Fees in Criminal Cases.—For serving a warrant on each person named therein, and return, 25 cents, and mileage as in civil cases; for serving a subpœna on each person named therein, 10 cents, and mileage as above; for commitment of each person, 25 cents; for mileage from the place of examination to prison, each mile, 5 cents; for every day's attendance on the grand jury, 75 cents, to be paid out of the county treasury.

Jurors' Fees.—For each juror upon each cause he may be empannelled to try, 40 cents, to be advanced by the person in whose favor the verdict shall be given, and taxed in the bill of costs.

Grand Jurors' Fees.—For each day's attendance, 75 cents, which shall be paid out of the county treasury upon the order of the commissioners.

Witnesses' Fees.—For going to, attending at, and returning from court, under a subpœna, per day, 50 cents.

Fees under the law against Forcible Entry and Detainer.—There shall be allowed to the several persons performing services under said act, except for services hereinbefore provided for, the same fees as are allowed and taxed in the court of common pleas, for performing similar services.

Fees allowed for services actually rendered under the act for the Partition of Real Estate.—To each commissioner, for each day he shall be actually employed in the partition of any real estate, and in going to, and returning therefrom, $1 50; to the surveyor, for each day he shall be employed in making a survey under the said act, $2; to each chain-carrier and axe-man, for each day employed in making such survey, 75 cents.

Fees to the Officers of the Court.—The same fees as are allowed for the same or similar services in other cases of a like nature.

In the Supreme Court.—Attorneys and counsellors at law shall be entitled to receive of the party against whom judgment is entered, for a docket fee, after trial, $8; for a docket fee, if cause is settled before trial, $5.

In the Court of Common Pleas.—For a docket fee, after trial, $6; for a docket fee, if cause is settled before trial, $3.

Sec. 2. *Be it further enacted*, That in all cases in law where an officer, in the due execution of his office, shall be required to write or set up an advertisement for the sale of lands, such officer shall be allowed for every such advertisement, 25 cents; and if such advertisement is required to be published in a newspaper, the officer proving such publication shall be refunded the money he may pay therefor, to be taxed in the bill of costs.

Sec. 3. *Be it further enated*, That all and every of the respective officers, whose fees are herein ascertained, limited, and appointed, shall, and they are hereby required to make fair tables of their fees, respectively, according to this act, and to publish and set up the same in their respective offices, within three months after the taking effect of this act, in some conspicuous part, for the inspection of all persons who have business in the said offices, on pain of forfeiting, for each day the same shall be missing through the said officer's neglect, the sum of $5, which penalty may be recovered in any court of record by action of debt, one-half to the informer, and the other half to the use of the county where the offence shall have been committed. If any officer whatsoever shall ask, take, or demand greater fees than are hereinbefore expressed and limited, for any service to be done by him in his office, or if any officer shall charge or demand, and take any of the fees herein ascertained, when the business for which such fees are charged shall not have been actually done and performed, such officer, for every such offence, shall, on conviction thereof before any court of record for the proper county, forfeit and pay to the party injured, any sum not exceeding fifty dollars. It shall and may be lawful for any person to refuse payment of fees to any officer, who shall not make out a bill of particulars signed by him, if required, and also a receipt or discharge signed by him, for the fees paid.

Sec. 4. *Be it further enacted*, That so much of the act entitled "An act to regulate county levies," as authorizes the county commissioners, at their annual meeting, to allow compensation to the justices of the peace, clerks of the courts of general quarter sessions of the peace, sheriff, and constables, for services by them, or either of them, performed, for and on behalf of their several counties, respectively; also, the law, entitled "A law ascertaining and regulating the fees of the several officers and persons therein named," adopted and published at Cincinnati, the sixteenth day of June, one thousand seven hundred and ninety-five; also, the law in addition to the same, published at Cincinnati, the first day of May, one thousand seven hundred and ninety-eight; and also, the act entitled "An act regulating the fees of constables in the several counties within this Territory," passed at Cincinnati, the nineteenth day of December, one thousand seven hundred and ninety-nine; and also, the act, entitled "An act regulating the fees of civil officers, and for other purposes," passed the twenty-third day of January, one thousand eight hundred and two; and, also, the fourth section of the act, entitled "An act allowing compensation to the associate judges, and for other purposes," passed the eighteenth day of February, one thousand eight hundred and four, be, and the same are hereby, repealed: *Provided*, That nothing herein contained shall be considered to extend to, or affect the fees for services performed prior to the taking effect of this act.

This act shall take effect and be in force from and after the first day of June next.

Secretary of State's Office,
Chilicothe, Ohio.

I do certify, that the foregoing bill is a correct copy of the original roll in my office.

Given under my hand, this 6th day of November, 1806.

WILLIAM CREIGHTON, Jr.

PUBLIC ACTS OF CONGRESS;

PASSED AT THE SECOND SESSION OF THE NINTH CONGRESS, BEGUN AND HELD AT THE CITY OF WASHINGTON, DECEMBER 1, 1806.

An Act to suspend the operation of an act, entitled "An act to prohibit the importation of certain goods, wares, and merchandise," and to remit the penalties incurred under the same.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the operation of the act, passed on the eighteenth day of April last, entitled "An act to prohibit the importation of certain goods, wares, and merchandise," be, and the same hereby is, suspended until the first day of July next.

Sec. 2. *And be it further enacted*, That all penalties, fines, and forfeitures, which may have been incurred by virtue of the provisions of the aforesaid act, be, and the same hereby are, respectively, remitted, on payment, by the parties, by whom such penalty, fine, or forfeiture, may have been incurred, of all costs which have accrued, or may accrue before notice of this act shall have been received by the attorneys of the several districts of the United States.

Sec. 3. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized further to suspend the operation of the aforesaid act, if, in his judgment, the public nterest should require it: *Provided*, That such suspension shall not extend beyond the second Monday in December next.

NATHANIEL MACON,
Speaker of the House of Representatives.
GEO. CLINTON,
Vice President of the United States and President of the Senate.

Approved, December 19, 1806.

TH. JEFFERSON.

An Act making appropriations for the support of the Navy of the United States, during the year one thousand eight hundred and seven.

Be it enacted, &c., That, for defraying the expenses of the Navy of the United States, during he year one thousand eight hundred and seven, he following sums be, and the same hereby are, espectively appropriated; that is to say:

For the pay and subsistence of the officers, and ay of the seamen, two hundred and ninety-six housand and forty-eight dollars.

For provisions, one hundred and twenty thouand eight hundred and fifty dollars and three ents.

For medicines, instruments, and hospital stores, ve thousand dollars.

For repairs of vessels, one hundred and ninety thousand two hundred and eight dollars and sixty-seven cents.

For freight, store rent, commissions to agents, and other contingent expenses, seventy-five thousand dollars.

For pay and subsistence of the marine corps, including provisions for those on shore, and forage for the staff, seventy-eight thousand six hundred and seventy-eight dollars and thirty cents.

For clothing for the same, fourteen thousand three hundred and sixty dollars.

For military stores for the same, five hundred and sixty dollars.

For medicine, medical services, hospital stores, and all other expenses on account of the sick belonging to the marine corps, one thousand one hundred and fifty dollars.

For quartermasters' and barrackmasters' stores, officers' travelling expenses, armorers' and carpenters' bills, fuel, premium for enlisting, musical instruments, bounty to music, and other contingent expenses, eight thousand one hundred and forty-five dollars.

For the expense of navy yards, comprising docks and other improvements, pay of superintendents, storekeepers, clerks, and laborers, sixty thousand dollars.

For ordnance, fifty thousand dollars.

Sec. 2. *And be it further enacted*, That the several sums herein specifically appropriated, shall be paid out of any moneys in the Treasury not otherwise appropriated.

Approved, January 7, 1807.

An Act making appropriations for the support of the Military Establishment of the United States, for the year one thousand eight hundred and seven.

Be it enacted, &c., That, for defraying the expense of the Military Establishment of the United States, for the year one thousand eight hundred and seven: For the Indian department, and for the expense of fortifications, arsenals, magazines, and armories, the following sums be, and the same hereby are, respectively appropriated; that is to say:

For the pay of the army of the United States, three hundred and two thousand nine hundred and fifty-two dollars.

For forage, four thousand six hundred and eight dollars.

For the subsistence of the army and corps of engineers, two hundred and thirty-five thousand five hundred and fifty-two dollars and fifty cents.

For clothing, eighty-five thousand dollars.

For bounties and premiums, fifteen thousand dollars.

For the medical and hospital departments, fifteen thousand dollars.

For camp equipage, fuel, tools, and transportation, ninety thousand dollars.

For fortifications, arsenals, magazines, and armories, two hundred and eighteen thousand five hundred and forty-two dollars, five cents.

For purchasing maps, plans, books, and instruments, one thousand five hundred dollars.

For contingencies, eighteen thousand dollars.

For the payment of such balances as have been ascertained, and which may be ascertained during the years one thousand eight hundred and six and one thousand eight hundred and seven, from actual settlements by the accountant from the War Department, and which cannot be discharged out of any existing appropriation, eight thousand dollars,

For the Indian department, one hundred thousand and six hundred dollars.

Sec. 2. *And be it further enacted*, That the several appropriations hereinbefore made shall be paid out of any moneys in the Treasury not otherwise appropriated.

Approved, January 10, 1807.

An Act to alter the time of holding the Circuit and District Courts in the District of North Carolina.

Be it enacted, &c., That, instead of the times heretofore established by law, for the sessions of the circuit court for the district of North Carolina, the said courts shall hereafter commence and be holden on the twelfth day of May, and the twelfth day of November, in each year, anything contained in any former act or acts to the contrary notwithstanding. And all actions, suits, process, pleadings, and other proceedings of what nature or kind soever, civil or criminal, commenced or to commence in the said court, and all recognisances returnable to the said court, on the twentieth day of June next, shall be continued, returned to, and have day, in the session to be holden by this act, and the same proceedings shall be had thereon as heretofore, and shall have all the effect, power, and virtue, as if the alteration had never been made: *Provided, nevertheless*, That when the twelfth day of May, or the twelfth day of November shall happen on Sunday, the next succeeding day shall be the first juridical day of the term.

Sec. 2. *And be it further enacted*, That the district courts of the United States for the district of North Carolina, shall, after the passing of this act, commence, and be holden on the following days, instead of the times heretofore established by law; that is to say: at Wilmington, in and for the district of Cape Fear, on the first Mondays in February, June, and October; at Newbern, in and for the district of Pamptico, on the Friday next after the first Mondays in February, June, and October; and at Edenton, in and for the district of Albemarle, on the first Tuesday which shall follow the Friday next after the first Mondays in February, June, and October. And that all actions, suits, writs, process, pleadings, or other proceedings, commenced or to commence, or which shall be now depending in any of the district courts of the district of North Carolina, shall be continued over, and have day in the next district court to be holden in the several districts as hereby established, anything in any former act or acts to the contrary notwithstanding.

Approved, February 4, 1807.

An Act for the relief of the sufferers by fire, in the town of Portsmouth, New Hampshire.

Be it enacted, &c., That all persons, who, being indebted to the United States for merchandise, have given bond therefor, with one or more sureties, payable to the collector of the district of Portmouth, in the State of New Hampshire, or to the collector of the district of Boston and Charlestown, and who have suffered a loss of property by the late conflagation at Portsmouth, shall be and hereby are allowed to take up, or have cancelled, all bonds heretofore given for duties as aforesaid, upon giving to collectors new bonds, with one or more sureties, to the satisfaction of the said collector or collectors, for the sums of their former bonds respectively, payable in twelve months from and after the day of payment specified in the bonds to be taken up and cancelled, as aforesaid; and the said collectors are hereby authorized to give up, or cancel all such bonds upon the receipt of others, as described in this act; which last mentioned bonds shall be proceeded with, in all respects, like other bonds which are taken by collectors for duties due to the United States: *Provided, however*, That nothing in this act contained shall extend to bonds which had fallen due prior to the twenty-fourth day of December last.

Approved, February 10, 1807.

An Act to provide for surveying the coasts of the United States.

Be it enacted, &c., That the President of the United States shall be, and he is hereby, authorized and requested to cause a survey to be taken of the coasts of the United States, in which shall be designated the islands and shoals, with the roads or places of anchorage, within twenty leagues of any part of the shores of the United States; and also the respective courses and distances between the principal capes, or head lands, together with such other matters as he may deem proper fo completing an accurate chart of every part of the coasts within the extent aforesaid.

Sec. 2. *And be it further enacted*, That it shal be lawful for the President of the United States to cause such examinations and observations to be made, with respect to St. George's bank, and any other bank or shoal and the soundings and currents beyond the distance aforesaid to the Gul Stream, as in his opinion may be especially sub servient to the commercial interests of the United States.

Sec. 3. *And be it further enacted*, That the President of the United States shall be, and he is hereby authorized and requested, for any of the purposes aforesaid, to cause proper and intelligent persons to be employed, and also such of the public vessels in actual service, as he may judge expedient, and to give such instructions for regulating their conduct as to him may appear proper, according to the tenor of this act.

Sec. 4. *And be it further enacted*, That for carrying this act into effect there shall be, and hereby is appropriated, a sum not exceeding fifty thousand dollars, to be paid out of any moneys in the Treasury, not otherwise appropriated.

Approved, February 10, 1807.

An Act authorizing the erection of certain light-houses, and the fixing of stakes, buoys and beacons, at certain places therein named.

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, authorized and directed to cause a good and sufficient light-house to be built at each of the following places. that is to say; on Fair Weather island, in the State of Connecticut, and at Naushawn island, near Tarpaulin cove, in the State of Massachusetts, at such points as the President of the United States may select for those purposes; and to appoint keepers, and otherwise provide for such light-houses, at the expense of the United States: *Provided*, That suf- icient ground for the accommodation of said ight-houses, respectively, can be obtained at a easonable price: *And provided, also*, That the Legislatures of the States of Connecticut and Massachusetts, shall cede the jurisdiction over ach respectively to the United States.

Sec. 2. *And be it further enacted*, That the Secretary of the Treasury be, and he hereby is, uthorized and directed to cause the light-house at resent established on Smith's point, at the mouth f the river Potomac, to be taken down, and to ause another good and sufficient one to be built t such other spot on the said point, as the Pres- ent of the United States may select: *Provided*, hat sufficient ground for the accommodation ereof can be obtained at a reasonable price; nd provided also, that the Legislature of the tate of Virginia shall cede the jurisdiction over e same to the United States. And the Secre- ry of the Treasury is hereby further authorized d directed to cause the light-house heretofore tablished on North Island, at the entrance into inyaw bay, in the State of South Carolina, to rebuilt in such manner as may in his opinion most likely to secure its future safety.

Sec. 3. *And be it further enacted*, That the cretary of the Treasury be, and he hereby is, thorized and directed to cause proper and suffi- nt buoys and stakes to be fixed in, and along , channel in Winyaw bay, leading to the har- of Georgetown, in the State of South Caro- n; and also, to cause proper and sufficient ys and beacons to be placed on, or near the rocks and shoals in the channel leading into the harbor of Salem, in the State of Massachusetts.

Sec. 4. *And be it further enacted*, That, for the purpose of defraying the expenses which may be incurred in the execution of this act, the following sums shall be, and the same are hereby respectively appropriated, to be paid out of any moneys in the Treasury, not otherwise appropriated: that is to say, for building the light-house on Fair Weather island, five thousand dollars; for building the light-house at Naushawn island, two thousand five hundred dollars; for pulling down, and rebuilding the light-house on Smith's point, six thousand dollars; for rebuilding the light-house on North island, twenty thousand dollars; for fixing buoys and stakes in Winyaw bay, one thousand five hundred dollars; for fixing buoys and beacons in the channel leading to Salem harbor, one thousand five hundred dollars.

Approved, February 10, 1807.

An Act supplementary to the act, entitled "An act making provision for the redemption of the whole of the public debt of the United States."

Whereas it is desirable to adapt the nature of the provision for the redemption of the public debt to the present circumstances of the United States, which can only be done by a voluntary subscription on the part of the creditors:

Be it enacted, &c., That a subscription to the full amount of the old six per cent. deferred and three per cent. stocks be, and the same is hereby proposed; for which purpose books shall be opened at the Treasury of the United States, and by the several Commissioners of Loans, on the first day of July next, to continue open until the seventeenth day of March next following, inclusively, the fourteen last days of each quarter excepted, for such parts of the abovementioned descriptions of stock as shall, on the day of subscription, stand on the books of the Treasury, and of the several Commissioners of Loans, respectively; which subscription shall be effected by a transfer to the United States, in the manner provided by law for such transfers of the credit or credits standing on the said books, and by a surrender of the certificates of the stock subscribed.

Sec. 2. *And be it further enacted*, That for the whole or any part of any sum which shall thus be described, in old six per cent. or deferred stock, credits shall be entered to the respective subscribers, and the subscriber or subscribers shall be entitled to a certificate, or certificates, purporting that the United States owe to the holder or holders thereof, his, her, or their assigns, a sum to be expressed therein, equal to the amount of principal of the stock thus subscribed, which shall remain unredeemed on the day of such subscription, bearing an interest of six per centum per annum, payable quarter yearly, from the first day of the quarter, during which such subscription shall have been made, transferable in the same manner as is provided by law for the transfers of the stock subscribed, and subject to redemption at the pleasure of the United States: *Provided*, That no single certificate shall be issued for an amount greater than ten thousand dollars: *And provided further*, That no reimbursement shall be made except for the whole amount of any such new certificate, nor till after at least six months previous public notice of such intended reimbursement.

SEC. 3. *And be it further enacted*, That for the whole or any part of any sum which shall thus be subscribed in three per cent. stock, credits shall likewise be entered to the respective subscribers; and the subscriber, or subscribers, shall be entitled to a certificate, purporting that the United States owe to the holder or holders thereof, his, her, or their assigns, a sum to be expressed therein, equal to sixty-five per centum of the amount of the principal of the stock thus subscribed, bearing an interest of six per centum, per annum, payable quarter yearly, from the first day of the quarter, during which such subscription shall have been made, and transferable and subject to redemption in the same manner, and under the same regulations and restrictions, as the stock created by the preceding section of this act: *Provided*, That no part of the stock thus created, shall be reimburseable without the assent of the holder or holders of such stock, until after the whole of the eight per cent. and four and a half per cent. stocks, as well as all the six per cent. stock which may be created by virtue of the preceding section, shall have been redeemed.

SEC. 4. *And be it further enacted*, That the Commissioners of the Sinking Fund shall be, and they are hereby, authorized to appoint an agent in London, and another in Amsterdam, whose duty it shall be to receive subscriptions and transfers, and to issue new certificates in the manner, and at the times above mentioned, and as the officers of the Treasury Department, or the Commissioners of Loans might do; that is to say, the agent in London in favor of such stockholders residing in the dominions of Great Britain, in Europe, and the agent in Amsterdam, in favor of such stockholders, residing in any other part of Europe, as may respectively become subscribers: *Provided*, That the certificates issued by the said agents shall bear interest only from the first day of the quarter next succeeding that in which the subscription shall have taken place, and that in relation to subscriptions made in old six per cent. or deferred stocks, the sums expressed in such new certificates shall be equal to the amount of the principal of the old six per cent. or deferred stocks thus subscribed, which shall remain unredeemed after payment of the dividend payable on such stock, on that day from which the interest of the new certificates shall commence. The foreign stockholders thus subscribing with either of the said agents shall be entitled to receive the dividend on the old six per cent. deferred, or three per cent. stock subscribed by them, respectively, which shall be payable on that day, from which the interest on the new certificates shall commence. And it shall be the duty of the said agents, respectively, to transmit, before the end of each quarter, to the Register of the Treasury, and to the several Commissioners of Loans, respectively, triplicate abstracts of the certificates of stocks subscribed, and of the new certificates issued by them, during such quarter, in order that the proper credits may be entered on the books of the Treasury, and of the Commissioners of Loans, as the case may be, to the holders of such new certificates. And the said agents, before they enter upon the execution of their several offices, shall, respectively, take an oath or affirmation for the diligent and faithful execution of their trust, and shall also become bound with one or more sureties, to the satisfaction of the Commissioners of the Sinking Fund, or of the Secretary of the Treasury, in the penal sum of twenty thousand dollars, with condition for their good behaviou
in their said offices.

SEC. 5. *And be it further enacted*, That the
holders of old six per cent. deferred, or three per
cent. stock, who may become subscribers, a
aforesaid, either in the United States or in Europe
and who, on the first day of July next, and als
on the day of the subscription, shall be residen
in Europe, may at their option, which must b
made at the time of subscribing, receive the inter
est accruing on the stock created by virtue of th
preceding sections of this act, either in the Unite
States as other creditors, or at London, or Am
sterdam: that is to say, the stockholders residing
at the times above mentioned, in the dominion
of Great Britain, in Europe, at London, and a
the rate of four shillings and six pence, sterlin
for each dollar; and the stockholders residin
at the times above mentioned, in any other pa
of Europe, at Amsterdam, and at the rate of tw
guilders, and a half guilder, current money
Holland, for each dollar; in which last mentione
option the condition shall be expressed in th
new certificates to be issued, and the credit,
credits, to be given to the proprietors thereo
shall be entered, and shall thereafter be transfe
able only on the books of the Treasury: *Provide*
however, That the interest thus payable in Lo
don and Amsterdam, shall not be payable un
the expiration of six calendar months from t
day on which the same would be payable in t
United States, and shall be subject to a deducti
of one half of one per cent. on the amount pa
able, for commission to the bankers paying t
same: *And provided also*, That every propriet
of such stock may, on surrendering his certifica
receive another to the same amount, the inter
whereof shall be payable quarter yearly in t
United States, in the same manner as that acc
ing on the stock held by persons residing in t
United States.

SEC. 6. *And be it further enacted*, That t
same funds which heretofore have been, and n
are, pledged, by law, for the payment of the
terest, and for the redemption or reimburseme
of the stock which may be subscribed by vir
of the provisions of this act, shall remain pled
for the payment of interest accruing on the st
created by reason of such subscription, and
the redemption or reimbursement of the princi
of the same. It shall be the duty of the Co
missioners of the Sinking Fund to cause to

applied, and paid out of the said fund, yearly, and every year, such sum; and sums, as may be annually wanted to discharge the annual interest and charges accruing on the stock which may be created by virtue of this act. The said Commissioners are hereby authorized to apply, from time to time, such sum and sums, out of the said fund, as they may think proper, towards redeeming, by purchase, or by reimbursement, in conformity with the provisions of this act, the principal of the said stock. And the annual sum of eight millions of dollars, vested by law in the said Commissioners, shall be, and continue appropriated to the payment of interest and redemption of the public debt, until the whole of the stock which may be created by the preceding sections of this act, shall have been redeemed, or reimbursed.

Sec. 7. *And be it further enacted*, That there shall be allowed to each of the agents to be appointed by virtue of this act, in addition to the necessary expenses incurred by them for printing, stationery, and postage, a sum of three thousand dollars, as a full compensation for their services. The said agents, and the Commissioners of Loans, shall also be allowed such additional sum as may be actually and necessarily expended for the clerk hire requisite for carrying this act into effect. And for defraying the said compensations and allowances, and such other contingent charges as may be incurred for carrying this act into effect, a sum not exceeding sixteen thousand dollars, to be paid out of any moneys in the Treasury, not otherwise appropriated, is hereby appropriated.

Sec. 8. *And be it further enacted*, That whensoever notice of reimbursement shall be given, as prescribed by the second and third sections of this act, the certificates intended to be reimbursed, shall be designated therein. In every reimbursement the preference shall be given to such holders of certificates as, previous to the said notice, shall have notified in writing to the Treasury Department their wish to be reimbursed. If there should not be applications to the Treasury sufficient to require the payment of the whole sum to be applied to that purpose, the Secretary of the Treasury, after paying off all sums for the payment of which application shall have been made, shall determine, by lot, what other certificates shall be reimbursed so as to make up the whole amount to be discharged: and in case the applications shall exceed the amount to be discharged, the Secretary of the Treasury shall proceed to determine, by lot, what applications shall be entitled to priority of payment.

Sec. 9. *And be it further enacted*, That the agents appointed by virtue of this act, and the several Commissioners of Loans, shall observe nd perform such directions and regulations, as hall be prescribed to them by the Secretary of he Treasury, touching the execution of this act.

Sec. 10. *And be it further enacted*, That nothing in this act contained shall be construed, in nywise, to alter, abridge, or impair the rights of hose creditors of the United States, who shall ot subscribe to the loan created by virtue of this ct.—[Approved February, 11, 1807.

An Act to extend the power of granting writs of injunctions to the judges of the district courts of the United States.

Be it enacted, &c., That, from and after the passing of this act, the judges of the district courts of the United States shall have as full power to grant writs of injunctions to operate within their respective districts, in all cases which may come before the circuit courts within their respective districts, as is now exercised by any of the judges of the Supreme Court of the United States, under the same rules, regulations and restrictions, as are prescribed by the several acts of Congress, establishing the judiciary of the United States, any law to the contrary notwithstanding: *Provided*, That the same shall not, unless so ordered by the circuit court, continue longer than to the circuit court next ensuing, nor shall an injunction be issued by a district judge, in any case where a party has had a reasonable time to apply to the circuit court for the writ.

Approved February 13, 1807.

An Act to annex certain shores and waters to the district of Mississippi; and to authorize the building a custom-house at New Orleans.

Be it enacted, &c., That, from and after the thirtieth day of June next, all the shores and waters of the river Ohio, and of the several rivers and creeks emptying into the same; and also, all the shores and waters of the rivers which empty into the river Mississippi, or any of its branches, be, and the same are hereby annexed to, and shall make part of the district of Mississippi.

Sec. 2. *And be it further enacted*, That a surveyor shall be appointed for each of the following towns or places, that is to say: Pittsburg, Charlestown, Marietta, Cincinnati, Limestone, Louisville, Massac, and Natchez, who shall be authorized to grant temporary registers to vessels of the United States, in the same manner, and on the same terms and conditions as may be done by the collectors of the several districts of the United States; and each of the said surveyors, besides the fees paid in relation to the admeasurement, and registering of vessels, shall receive an annual salary of one hundred and fifty dollars.

Sec. 3. *And be it further enacted*, That the collector of the district of Mississippi shall, on the surrender of any temporary register, granted to a vessel of the United States as aforesaid, issue a permanent register for such vessel: *Provided*, That the master of such vessel shall take the usual oath, and perform all the other conditions required by the registering act, except that he shall not be obliged to give any new bond to the said collector.

Sec. 4. *And be it further enacted*, That so much of any act or acts as erects any of the shores or waters, annexed by this act to the Mississippi district, into separate districts be, and the same is hereby, repealed.

Sec. 5. *And be it further enacted*, That the Secretary of the Treasury be, and he hereby is, authorized and directed to cause to be built upon some convenient site, belonging to the United States, in the city of New Orleans, a good and sufficient house, to serve as an office and place of deposit for the collector of the customs at that place. And the sum of twenty thousand dollars is hereby appropriated to defray the expense of erecting the same, to be paid out of any money in the Treasury not otherwise appropriated.

Approved, February 13, 1807.

An Act authorizing the President of the United States to accept the service of a number of volunteer companies, not exceeding thirty thousand men.

Be it enacted, &c., That the President of the United States be, and he hereby is, authorized to accept of any company or companies of volunteers, either of artillery, cavalry, or infantry, who may associate and offer themselves for the service, not exceeding thirty thousand men, who shall be clothed, and furnished with horses, at their own expense, and armed and equipped at the expense of the United States, after they shall be called into service, except such of them as may choose to furnish their own arms, and whose commissioned officers shall be appointed in the manner prescribed by law in the several States and Territories to which such companies shall, respectively, belong: *Provided*, That where any company, battalion, regiment, brigade, or division of militia, already organized, shall tender their voluntary service to the United States, such company, battalion, regiment, brigade, or division, shall continue to be commanded by the officers holding commissions in the same, at the time of such tender, and any vacancy thereafter occurring shall be filled in the mode pointed out by law in the State or Territory wherein the said company, battalion, regiment, brigade, or division, shall have been originally raised.

Sec. 2. *And be it further enacted*, That any company, battalion, regiment, brigade, or division, thus offering itself for the service, shall be liable to be called upon to do military duty at any time the President of the United States shall judge proper, within two years after he shall accept the same, and shall be bound to continue in service for the term of twelve months after they shall have arrived at the place of rendezvous, unless sooner discharged, and when called into actual service, and whilst remaining therein, shall be under the same rules and regulations, and be entitled to the same pay, rations, forage, and emoluments of every kind, bounty and clothing excepted, with the regular troops of the United States: *Provided*, That in lieu of clothing, every non-commissioned officer and private, in any company, who may thus offer themselves, shall be entitled, when called into actual service, to receive in money, a sum equal to the cost of the clothing of a non-commissioned officer, or private, (as the case may be,) in the regular troops of the United States.

Sec. 3. *And be it further enacted*. That the President of the United States be, and he hereby is, authorized to organize the companies so tendering their service, as aforesaid, into battalions, squadrons, regiments, brigades, and divisions, as soon as the number of volunteers shall render such organization, in his judgment, expedient; but until called into actual service, such companies shall be bound to do regular militia duty, as is required by law, in like manner as before the passage of this act.

Sec. 4. *And be it further enacted*, That in case any volunteer above-mentioned, while in actual service, shall sustain any damage, by injury done to his horse, or such other equipment as shall have been furnished at his own expense, or by loss of the same, without any fault or negligence on his part, a reasonable sum, to be ascertained in such manner as the President of the United States may direct, shall be allowed and paid to such volunteer for each and every such damage or loss.

Sec. 5. *And be it further enacted*, That the sum of five hundred thousand dollars, to be paid out of any moneys in the Treasury not otherwise appropriated, be, and the same hereby is, appropriated towards defraying any expense incurred by virtue of the provisions of this act.

Approved, February 24, 1807.

An Act establishing Circuit Courts, and abridging the jurisdiction of the District Courts of the districts of Kentucky, Tennessee, and Ohio.

Be it enacted, &c., That so much of any act or acts of Congress, as vests in the district courts of the United States, in the districts of Kentucky, East, and West Tennessee, and Ohio, the powers, authority, and jurisdiction of the circuit courts of the United States, shall be, and the same is hereby, repealed.

Sec. 2. *And be it further enacted*, That, for the purpose of holding therein the circuit courts, to be established by this act, the State of Kentucky shall constitute one district, the State of Tennessee, one district, and the State of Ohio, one district; and the said districts of Kentucky, Tennessee, and Ohio, shall constitute, and be denominated the seventh circuit. And there shall be holden annually in each district of the said circuit, two courts, to be called circuit courts, and to consist of one justice of the Supreme Court of the United States, and the judge of the district where such court shall be holden. And the sessions of the said courts, in the district of Kentucky, shall be held at Frankfort, and commence on the first Monday in May and November, annually; in the district of Tennessee, at Knoxville and Nashville alternately, to commence on the first Monday in June and third Monday in October annually, beginning at Nashville; and in the district of Ohio, at Chilicothe, to commence on the first Monday in January and September, annually. And the circuit court of Tennessee shall designate at which of the two places, where the said court is hereby directed to be holden, the office of clerk thereof shall be kept.

Sec. 3. *Be it further enacted*, That all the authority, powers, and jurisdiction, vested in the sev eral circuit courts of the United States, or the judges thereof, or either of them, shall be and hereby are vested in, and may be exercised by, the several circuit courts of the seventh circuit and the judges thereof; and that all actions, causes, pleas, process, and other proceedings, relative to any cause, civil or criminal, which shall be returnable to or depending in the several district courts of Kentucky, Tennessee, and Ohio, acting as circuit courts, on the first day of May next, shall be and hereby are declared to be respectively transferred, returnable, and continued, to the several circuit courts constituted by this act, at the times herein appointed for the session of each of the said courts, and shall be heard, tried, and determined therein, in the same manner, and with the same effect, as if no change had been made hereby in the courts of the said district. And the said circuit courts of the seventh circuit shall be governed by the same laws and regulations as apply to the other circuit courts of the United States, and shall appoint clerks of the said courts, respectively, who shall reside and keep the records of the said courts at the places of holding the courts, whereto they shall respectively belong, except as hereinbefore provided; and shall perform the same duties, and be entitled to and receive the same emoluments and fees, respectively, which are by law established for the clerks of the other circuit courts of the United States.

Sec. 4. *And be it further enacted,* That the State of Tennessee shall be divided into two districts, for the purpose of holding district courts in the same—one to consist of that part thereof, which, by the laws of the said State, now forms the districts of Washington and Hamilton, which shall be called the district of East Tennesssee; and one other, to consist of all that part of the State of Tennessee which the laws of the said State now forms the districts of Winchester, Mero, and Robertson, which shall be called the district of West Tennessee; and all the authority, powers, and urisdiction, vested in the several district courts of he United States and the judges thereof, in those districts in which circuit courts are now held, shall be retained, and may be exercised by the several district courts of Kentucky, East and West Tennessee, nd Ohio, and the several judges thereof. And the essions of the said district courts shall, after the rst day of May next, be as follows: in Kentucky, t Frankfort, two sessions, to commence on the rst Mondays in June and December, annually; n East Tennessee, at Knoxville, two sessions, to ommence on the third Monday in April and second Monday in October, annually; and at Nashille, two sessions, to commence on the fourth Mondays in May and November annually; and in Ohio, at Chilicothe, three sessions, to commence n the first Mondays in June and October, annually; and all actions, causes, pleas, process, and ther proceedings, relative to any cause, civil or riminal, which shall have been issued, and shall e returnable to or depending in the said several strict courts of the United States, acting as disict courts, on the said first day of May next, shall e returned and held continued to the said several district courts, respectively, at the times herein before appointed for holding the same.

Sec. 5. *Be it further enacted,* That the Supreme Court of the United States shall hereafter consist of a Chief Justice and six Associate Justices, any law to the contrary notwithstanding. And for this purpose, there shall be appointed a sixth Associate Justice, to reside in the seventh circuit, whose duty it shall be, until he is otherwise allotted, to attend the circuit courts of the said seventh circuit, and the Supreme Court of the United States, and who shall take the same oath and be entitled to the same salary as are required of and provided for the other Associate Justices of the United States.

Approved, February 24, 1807.

An Act to continue in force, for a further time, an act entitled "An act to suspend the commercial intercourse between the United States, and certain parts of the island of St. Domingo."

Be it enacted, &c., That the act entitled "An act to suspend the commercial intercourse between the United States and certain parts of the island of St. Domingo," passed on the twenty-eighth day of February, one thousand eight hundred and six, be and the same hereby is continued in force until the end of the next session of Congress, and no longer.

Sec. 2. *And be it further enacted,* That the prohibitions and provisions of the aforesaid act shall be construed, and are hereby declared to extend to Gonaive and Tortuga, and to any other dependency of the said island of St. Domingo, not in possession of, or under the acknowledged Government of France.

Approved February 24, 1807.

An Act respecting seizures made under the authority of the United States, and for other purposes.

Be it enacted, &c., That when any prosecution shall be commenced on account of the seizure of any ship or vessel, goods, wares, or merchandise, made by any collector or other officer, under any act of Congress authorizing such seizure, and judgment shall be given for the claimant or claimants, if it shall appear to the court before whom such prosecution shall be tried, that there was a reasonable cause of seizure, the said court shall cause a proper certificate or entry to be made thereof; and in such case the claimant or claimants shall not be entitled to costs, nor shall the person who made the seizure, or the prosecutor, be liable to action, suit, or judgment on account of such seizure and prosecution: *Provided,* That the ship or vessel, goods, wares, or merchandise, be, after judgment, forthwith returned to such claimant or claimants, his, her, or their agent or agents.

Sec. 2. *And be it further enacted,* That the accounting officers of the Treasury be, and they are hereby, directed to allow to the collector of New York, in the settlement of his accounts, the amount of damages and costs recovered from and paid by him, by virtue of judgments rendered in the Supreme Court of the State of New York, on account of the seizure of the ship Liberty, and of the ship Two Marys; which vessels had been seized and libelled for a presumed infraction of the provisions of the act, entitled "An act concerning the registering and recording of ships or vessels."

Approved, February 24, 1807.

An Act further supplementary to the act, entitled "An act concerning the District of Columbia."

Be it enacted, &c., That so much of the act entitled, "An act additional to, and amendatory of an act entitled, "An act concerning the District of Columbia," as directs that no *capias ad satisfiendum* shall hereafter issue on any judgment rendered by a single magistrate, or in any case where the judgment shall not exceed twenty dollars, shall be, and the same is hereby repealed. and in all such cases a writ or writs of *capias ad satisfaciendum* may hereafter issue, anything in the said recited act to the contrary notwithstanding.

Sec. 2. *And be it further enacted,* That such writs of *capias ad satisfaciendum* shall be issued, directed, and made returnable in like manner, and the clerk and constable shall be entitled to the same fees therein, as the said act hereinbefore recited directs and allows in cases of executions against the goods and chattels of the debtor.

Sec. 3. *And be it further enacted,* That the eighth section of the aforesaid act shall be, and the same is hereby also repealed.

Approved, February 24, 1807.

An Act to punish frauds committed on the Bank of the United States.

Be it enacted, &c., That if any person shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged or counterfeited, or willingly aid or assist, in falsely making, forging or counterfeiting any bill or note in imitation of, or purporting to be a bill or note issued by order of the President, Directors and Company of the Bank of the United States, or any order or check on the said Bank or Corporation, or any Cashier thereof, or shall falsely alter, or cause or procure to be falsely altered, or willingly aid or assist in falsely altering any bill or note issued by order of the President, Directors and Company of the Bank of the United States, or any order or check, on the said Bank or Corporation, or any Cashier thereof, or shall pass, utter, or publish, or attempt to pass, utter, or publish, as true, any false, or counterfeited bill, or note, purporting to be a bill, or note, issued by order of the President, Directors and Company of the Bank of the United States, or any false, forged, or counterfeited order or check, upon the said Bank or Corporation, or any cashier thereof, knowing the same to be falsely forged or counterfeited, or shall pass, utter, or publish, or attempt to pass, utter, or publish as true, any falsely altered bill or note, issued by order of the President, Directors and Company of the Bank of the United States, or any falsely altered order or check, on the said Bank or Corporation, or any Cashier thereof, knowing the same to be falsely altered, with intention to defraud the said corporation, or any other body politic, or person; every such person shall be deemed and adjudged guilty of felony, and being thereof convicted by due course of law, shall be sentenced to be imprisoned, and kept to hard labor, for a period not less than three years, nor more than ten years, or shall be imprisoned not exceeding ten years, and fined not exceeding five thousand dollars; *Provided,* That nothing herein contained shall be construed to deprive the courts of the individual States of a jurisdiction under the laws of the several States, over the offence declared punishable by this act.

Sec. 2. *And be it further enacted,* That the act, entitled "An act to punish frauds committed on the Bank of the United States," passed the twenty-seventh day of June, one thousand seven hundred and ninety eight, shall be and the same is hereby repealed: *Provided, nevertheless,* That the repeal of the said act shall not be so construed, as to prevent the trial, condemnation, or punishment of any person, or persons, charged with or guilty of a violation of any of its provisions, previous to the passing of this act.

Approved, February 24, 1807.

An Act to extend the time for locating Virginia military warrants, for returning surveys thereon to the office of the Secretary of the Department of War, and appropriating lands for the use of schools, in the Virginia military reservation, in lieu of those heretofore appropriated.

Be it enacted, &c., That the officers and soldiers of the Virginia line on continental establishment, their heirs or assigns, entitled to bounty lands within the tract reserved by Virginia, between the little Miami and Scioto rivers, for satisfying the legal bounties to her officers and soldiers upon continental establishment, shall be allowed a further time of three years, from the twenty-third of March next, to complete their locations, and a further time of five years from the said twenty-third of March next to return their surveys and warrants, or certified copies of warrants, to the office of the Secretary of the War Department, anything in the act entitled " An act to ascertain the boundary of the lands reserved by the State of Virginia, northwest of the river Ohio, for the satisfaction of her officers and soldiers on continental establishment, and to limit the period for locating the said lands," to the contrary notwithstanding: *Provided,* That no locations, as aforesaid, within the above-mentioned tract, shall, after the passing of this act, be made on tracts of land for which patents had previously been issued, or which had been previously surveyed; and any patent which may, nevertheless, be obtained for land located contrary to the provisions of this section, shall be considered as null and void.

Sec. 2. *And be it further enacted,* That the Secretary of the Treasury be, and he is hereby, authorized to obtain copies of all the locations and surveys which have been, or may be made within the abovementioned tract, and to cause to be run or surveyed, as many straight lines across the same, as he may deem necessary, not exceeding three; and from these and such other documents as may be obtained, to cause to be made a general connected plat of all the lands located and surveyed within the same; a copy of which shall be deposited in the War Department, and another copy shall be laid before Congress, together with an estimate of the surplus which may remain, after satisfying the bounties abovementioned. And the expenses incurred in surveying the lines, and obtaining the copies aforesaid, and in preparing the general plat abovementioned, shall be defrayed out of the moneys appropriated for completing the surveys of the public lands northwest of the river Ohio.

Sec. 3. *And be it further enacted*, That eighteen quarter townships and three sections, to be selected by the Secretary of the Treasury, by lot, in that tract of land in the State of Ohio, lately purchased from the Indians, and lying between the tract commonly called the United States military tract, and the tract commonly called the Connecticut reserve, be and the same are hereby appropriated for the use of schools, in that tract of land in the State aforesaid, commonly called "the Virginia military reservation," and be vested in the Legislature of that State, in trust for the use aforesaid, and for no other use, intent, or purpose whatever; which said eighteen quarter townships and three sections, are thus appropriated and vested in lieu of the one thirty-sixth part of the tract aforesaid, called the "Virginia military reservation," which, by a former act, had been appropriated and vested as aforesaid, for the use of schools within the same: *Provided, however*, That no quarter townships, including the section number sixteen of such township, shall be selected as aforesaid for the purpose abovementioned. *And provided, also*, and it is hereby understood and declared, that the said eighteen quarter townships and three sections shall be appropriated and vested, for the purposes aforesaid, only on condition that the Legislature of the State of Ohio shall, within one year after the passing of this act, pass a law accepting the said eighteen quarter townships and three sections, for the purposes aforesaid, in lieu of the thirty-sixth part of the tract commonly called "the Virginia military reservation," heretofore appropriated and vested by law for the use of schools within the same; and releasing to the United States all their claim, right, title, and interest, and all the right, title and interest of the inhabitants of the tract of land last mentioned, to the thirty-sixth part of the said tract heretofore appropriated and vested by law for the use of schools within the same. And if the Legislature of the said State shall not pass a law as aforesaid, within one year after the passing of this act, the said eighteen quarter townships and three sections shall not be considered and held as appropriated and vested for the purposes aforesaid, but shall be disposed of in the same manner as is or may be provided, by law, for the disposal of other public lands in the same tract.

Approved, March 2, 1807.

An Act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, in the year of our Lord one thousand eight hundred and eight.

Be it enacted, &c., That, from and after the first day of January, one thousand eight hundred and eight, it shall not be lawful to import or bring into the United States or the territories thereof, from any foreign kingdom, place, or country, any negro, mulatto, or person of color, with intent to hold, sell, or dispose of such negro, mulatto, or person of color, as a slave, or to be held to service or labor.

Sec. 2. *And be it further enacted*, That no citizen or citizens of the United States, or any other person, shall, from and after the first day of January, in the year of our Lord one thousand eight hundred and eight, for himself, or themselves, or any other person whatsoever, either as master, factor, or owner, build, fit, equip, load, or otherwise prepare any ship or vessel, in any port or place within the jurisdiction of the United States, nor shall cause any ship or vessel to sail from any port or place within the same, for the purpose of procuring any negro, mulatto, or person of color, from any foreign kingdom, place, or country, to be transported to any port or place whatsoever, within the jurisdiction of the United States, to be held, sold, or disposed of as slaves, or to be held to service or labor: and if any ship or vessel shall be so fitted out for the purpose aforesaid, or shall be caused to sail so as aforesaid, every such ship or vessel, her tackle, apparel, and furniture, shall be forfeited to the United States, and shall be liable to be seized, prosecuted, and condemned, in any of the circuit courts or district courts, for the district where the said ship or vessel may be found or seized.

Sec. 3. *And be it further enacted*, That all and every person so building, fitting out, equipping, loading, or otherwise preparing or sending away, any ship or vessel, knowing or intending that the same shall be employed in such trade or business, from and after the first day of January, one thousand eight hundred and eight, contrary to the true intent and meaning of this act, or any ways aiding or abetting therein, shall severally forfeit and pay twenty thousand dollars, one moiety thereof to the use of the United States, and the other moiety to the use of any person or persons who shall sue for and prosecute the same to effect.

Sec. 4. *And be it further enacted*, If any citizen or citizens of the United States, or any person resident within the jurisdiction of the same, shall, from and after the first day of January, one thousand eight hundred and eight, take on board, receive, or transport, from any of the coasts or kingdoms of Africa, or from any other foreign kingdom, place, or country, any negro, mulatto, or person of color, in any ship or vessel, for the purpose of selling them in any port or place within the jurisdiction of the United States as slaves, or to be held to service or labor, or shall be in any ways aiding or abetting therein, such citizen or citizens, or person, shall severally forfeit and pay five thousand dollars, one moiety thereof to the use of any person or persons who shall sue for and prosecute the same to effect; and every such ship or vessel in which such negro, mulatto, or person of color, shall have been taken on board, received, or transported, as aforesaid, her tackle, apparel, and furniture, and the goods and effects which shall be found on board the same, shall be forfeited to the United States, and shall be liable to be seized, prosecuted, and condemned in any of the circuit courts or district courts in the district where the said ship or vessel may be found or seized. And neither the importer, nor any person or persons claiming from or under him, shall hold any right or title whatsoever to any negro, mulatto, or person of color, nor to the service or labor thereof, who may be imported or brought within the United States, or territories thereof, in violation of this law, but the same shall remain subject to any regulations not contravening the provisions of this act, which the Legislatures of the several States or Territories at any time hereafter may make, for disposing of any such negro, mulatto, or person of color.

Sec. 5. *And be it further enacted,* That, if any citizen or citizens of the United States, or any other person resident within the jurisdiction of the same, shall, from and after the first day of January, one thousand eight hundred and eight, contrary to the true intent and meaning of this act, take on board any ship or vessel from any of the coasts or kingdoms of Africa, or from any other foreign kingdom, place, or country, any negro, mulatto, or person of color, with intent to sell him, her, or them, for a slave or slaves, or to be held to service or labor, and shall transport the same to any port or place within the jurisdiction of the United States, and there sell such negro, mulatto, or person of color, so transported as aforesaid, for a slave, or to be held to service or labor, every such offender shall be deemed guilty of a high misdemeanor; and being thereof convicted before any court having competent jurisdiction, shall suffer imprisonment for not more than ten years, nor less than five years, and be fined not exceeding ten thousand dollars, nor less than one thousand dollars.

Sec. 6. *And be it further enacted,* That, if any person or persons whatsoever shall, from and after the first day of January, one thousand eight hundred and eight, purchase or sell any negro, mulatto, or person of color, for a slave, or to be held to service or labor, who shall have been imported or brought from any foreign kingdom, place, or country, or from the dominions of any foreign State immediately adjoining to the United States, into any port or place within the jurisdiction of the United States, after the last day of December, one thousand eight hundred and seven, knowing at the time of such purchase or sale such negro, mulatto, or person of color, was so brought within the jurisdiction of the United States, as aforesaid, such purchaser and seller shall severally forfeit and pay for every negro, mulatto, or person of color, so purchased or sold as aforesaid, eight hundred dollars—one moiety thereof to the United States, and the other moiety to the use of any person or persons who shall sue for and prosecute the same to effect: *Provided,* That the aforesaid forfeiture shall not extend to the seller or purchaser of any negro, mulatto, or person of color, who may be sold or disposed of in virtue of any regulation which may hereafter be made by any of the Legislatures of the several States in that respect, in pursuance of this act and the Constitution of the United States.

Sec. 7. *And be it further enacted,* That, if any ship or vessel shall be found, from and after the first day of January, one thousand eight hundred and eight, in any river, port, bay, or harbor, or on the high seas, within the jurisdictional limits of the United States, or hovering on the coast thereof, having on board any negro, mulatto, or person of color, for the purpose of selling them as slaves, or with intent to land the same in any port or place within the jurisdiction of the United States, contrary to the prohibition of this act, every such ship or vessel, together with her tackle, apparel, and furniture, and the goods or effects which shall be found on board the same, shall be forfeited to the use of the United States, and may be seized, prosecuted, and condemned, in any court of the United States having jurisdiction thereof. And it shall be lawful for the President of the United States, and he is hereby authorized, should he deem it expedient, to cause any of the armed vessels of the United States to be manned and employed to cruise on any part of the coast of the United States, or territories thereof, where he may judge attempts will be made to violate the provisions of this act, and to instruct and direct the commanders of armed vessels of the United States to seize, take, and bring into any port of the United States, all such ships or vessels, and moreover to seize, take, and bring into any port of the United States, all ships or vessels of the United States, wheresoever found on the high seas, contravening the provisions of this act, to be proceeded against according to law, and the captain, master, or commander of every such ship or vessel, so found and seized as aforesaid, shall be deemed guilty of a high misdemeanor, and shall be liable to be prosecuted before any court of the United States having jurisdiction thereof; and being thereof convicted, shall be fined not exceeding ten thousand dollars, and be imprisoned not less than two years, and not exceeding four years. And the proceeds of all ships and vessels, their tackle, apparel, and furniture, and the goods and effects on board of them, which shall be so seized, prosecuted, and condemned, shall be divided equally between the United States and the officers and men who shall make such seizure, take, or bring the same into port for condemnation, whether such seizure be made by an armed vessel of the United States or revenue cutter thereof; and the same shall be distributed in like manner as is provided by law for the distribution of prizes taken from an enemy: *Provided,* That the officers and men, to be entitled to one-half of the proceeds aforesaid, shall safe keep every negro, mulatto, or person of color, found on board of any ship or vessel so by them seized, taken, or brought into port for condemnation, and shall deliver every such negro, mulatto, or person of color, to such person or persons as shall be appointed by the respective States to receive the same; and if no such person or persons shall be appointed by the respective States, they shall deliver every such negro, mulatto, or person of color, to the overseers of the poor of the port or place where such ship or vessel may be brought or found, and shall immediately transmit to the governor or chief magistrate of the State an account of their proceedings, together with the number of such negroes, mulattoes, or persons of color, and a descriptive list of the same, that he may give directions respecting such negroes, mulattoes, or persons of color.

Sec. 8. *And be it further enacted,* That no captain, master, or commander of any ship or vessel of less burden than forty tons, shall, from and after the first day of January, one thousand eight hundred and eight, take on board and transport any negro, mulatto, or person of color, to any port or place whatsoever, for the purpose of selling or disposing of the same as a slave, or with intent that the same may be sold or disposed of to be held to service or labor, on penalty of forfeiting for every such negro, mulatto, or person of color, so taken on board and transported as aforesaid, the sum of eight hundred dollars—one moiety thereof to the use of the United States, and the other moiety to any person or persons who shall sue for and prosecute the same to effect: *Provided, however,* That nothing in this section shall extend to prohibit the taking on board or transporting on any river or inland bay of the sea, within the jurisdiction of the United States, any negro, mulatto, or person of color, (not imported contrary to the provisions of this act) in any vessel or species of craft whatever.

Sec. 9. *And be it further enacted,* That the captain, master, or commander of any ship or vessel, of the burden of forty tons or more, from and after the first day of January, one thousand eight hundred and eight, sailing coastwise from any port in the United States to any port or place within the jurisdiction of the same, having on board any negro, mulatto, or person of color, for the purpose of transporting them to be sold or disposed of as slaves, or to be held to service or labor, shall, previous to the departure of such ship or vessel, make out and subscribe duplicate manifests of every such negro, mulatto, or person of color, on board such ship or vessel, therein specifying the name and sex of each person, their age and stature, as near as may be, and the class to which they respectively belong, whether negro, mulatto, or person of color, with the name and place of residence of every owner or shipper of the same, and shall deliver such manifests to the collector of the port, if there be one; otherwise to the surveyor, before whom the captain, master, or commander, together with the owner or shipper, shall severally swear or affirm, to the best of their knowledge and belief, that the persons therein specified were not imported or brought into the United States, from and after the first day of January, one thousand eight hundred and eight, and that under the laws of the State they are held to service or labor; whereupon, the said collector or surveyor shall certify the same in the said manifests, one of which he shall return to the said captain, master, or commander, with a permit, specifying thereon the number, names, and general description of such persons, and authorizing him to proceed to the port of his destination. And if any ship or vessel, being laden and destined as aforesaid, shall depart from the port where she may then be, without the captain, master, or commander having first made out and subscribed duplicate manifests of every negro, mulatto, and person of color, on board such ship or vessel as aforesaid, and without having previously delivered the same to the said collector or surveyor, and obtained a permit, in manner as herein required, or shall, previous to her arrival at the port of her destination, take on board any negro, mulatto, or person of color, other than those specified in the manifests as aforesaid, every such ship or vessel, together with her tackle, apparel, and furniture, shall be forfeited to the use of the United States, and may be seized, prosecuted, and condemned, in any court of the United States having jurisdiction thereof; and the captain, master, or commander of every such ship or vessel shall moreover forfeit, for every such negro, mulatto, or person of color, so transported or taken on board, contrary to the provisions of this act, the sum of one thousand dollars—one moiety thereof to the United States, and the other moiety to the use of any person or persons who shall sue for and prosecute the same to effect.

Sec. 10. *And be it further enacted,* That the captain, master, or commander of every ship or vessel, of the burden of forty tons or more, from and after the first day of January, one thousand eight hundred and eight, sailing coastwise, and having on board any negro, mulatto, or person of color, to sell or dispose of as slaves, or to be held to service or labor, and arriving in any port within the jurisdiction of the United States, from any other port within the same, shall, previous to the unlading or putting on shore any of the persons aforesaid, or suffering them to go on shore, deliver to the collector, if there be one, or if not, to the surveyor residing at the port of her arrival, the manifest certified by the collector or surveyor of the port from whence she sailed, as is herein before directed, to the truth of which, before such officer, he shall swear or affirm, and if the collector or surveyor shall be satisfied therewith, he shall thereupon grant a permit for unlading or suffering such negro, mulatto, or person of color, to be put on shore; and if the captain, master, or commander of any such ship or vessel, being laden as aforesaid, shall neglect or refuse to deliver the manifest at the time and in the manner herein directed, or shall land or put on shore any negro, mulatto, or person of color, for the purpose aforesaid, before he shall have delivered his manifest as aforesaid, and obtained a permit for that purpose, every such captain, master, or commander, shall forfeit and pay ten thousand dollars, one moiety thereof to the United States, the other moiety to the use of any person or persons who shall sue for and prosecute the same to effect.

Approved, March 2, 1807.

An Act to reduce the expenses attending the administration of justice in the District of Columbia.

Be it enacted, &c., That, for the service of any writ, warrant, attachment, summons, or order of court, the marshal for the District of Columbia, shall be entitled to receive the fee of fifty cents only, for each person on whom served; and for the taking any bond required by law, a fee of fifty cents only; and for such services as are not enumerated in this, or some other act of Congress, he shall receive the like fees and compensation, if they be performed in the county of Alexandria, as by the laws of Virginia, in force on the first Monday of December, in the year eighteen hundred, were allowed to the sheriff of a county, for the like services; and if they be performed in the county of Washington, the like fees and compensation, as by the laws of Maryland, in force on the day last mentioned, were allowed to a sheriff of a county, in Maryland, for the like services.

Sec. 2. *And be it further enacted*, That the clerk of the circuit court of the District of Columbia, for the county of Alexandria, shall be entitled to receive for his services, the same fees only, as by the laws of Virginia, in force on the day last mentioned, were allowed to the clerk of the district court in that State, for the like services; in chancery proceedings, the same fees only, as were allowed by the said laws to the clerk of the high court of chancery, in the said State, for like services; and for such services as were not, by the said laws, to be performed by the clerk of either of the said courts in Virginia, he shall receive such fees only, as were allowed by the said laws, to the clerk of a county court in the said State, for the like services.

Sec. 3. *And be it further enacted*, That the clerk of the said circuit court of the District of Columbia, for the county of Washington, shall be entitled to receive the same fees only, for his services, as by the laws of Maryland, in force on the said first Monday of December, in the year eighteen hundred, were allowed to the clerk of the General Court of Maryland, for the like services; and for his services in chancery proceedings, the same fees only, as by the said laws were allowed to the register of the court of chancery of Maryland, for the like services; and for such services as were not, by the said laws, to be performed by the said clerk of the said General Court, or by the said register, he shall be allowed such fees and compensation only, as by the said laws were allowed to a clerk of a county court in Maryland, for the like services; *Provided*, That nothing in this act shall prevent the said marshal and clerk from receiving their daily compensation for attending court as heretofore.

Sec. 4. *And be it further enacted*, That such of the said fees as, by the laws aforesaid, are chargeable in tobacco, shall be paid in money, at the rate of one dollar and seventy five cents for one hundred pounds of tobacco. And it shall be the duty of the said marshal, and the said clerk, of the said circuit court, respectively, to make a table of their respective fees, in dollars and cents according to this act; and to keep a copy thereof at all times, exposed to public view, in their respective offices; and all fees and costs shall be taxed, and fee bills for collection stated in money only.

Sec. 5. *And be it further enacted*, That in suits at common law in the said circuit court the taxable fee to an attorney, shall be five dollars only; and in suits in chancery, the taxable fee to a solicitor shall be ten dollars only: *Provided*, That nothing in this act shall extend to the official services of the attorney of the United States for the District of Columbia.

Sec. 6. *And be it further enacted*, That all *temporary* statutes of the States of Virginia and Maryland, which, by the first section of the act concerning the District of Columbia, passed on the twenty-seventh of February, one thousand eight hundred and one, were adopted for the said District, shall not expire within the said District, by virtue of any limitation in said statutes contained; but shall remain in force as at the time of their adoption, unless other provision has been or shall be made by Congress respecting the same.

Sec. 7. *And be it further enacted*, That all laws, and parts of laws, contrary to, or inconsistent with this act, shall be, and the same are hereby repealed.

This act shall commence and be in force from and after the passing thereof.

Approved, March 3, 1807.

An Act allowing an additional compensation to the Judges of the Mississippi, Indiana, Michigan, and Louisiana Territories.

Be it enacted, &c., That each of the Judges of the Mississippi, Indiana, Michigan, and Louisiana Territories, appointed under the authority of the United States, be entitled to the annual sum of twelve hundred dollars, in lieu of his present compensation, to commence on the first day of January last.

Approved, March 3, 1807.

An Act making appropriations for finishing the south wing of the Capitol, and for other purposes.

Be it enacted, &c., That, in addition to the appropriations already made, the following sums of money shall be, and the same are hereby appropriated, to be applied under the direction of the President of the United States, to the purposes hereinafter mentioned, that is to say:

For finishing the south wing of the Capitol, twenty-five thousand dollars.

For furnishing the same for the accommodation of the House of Representatives fifteen thousand dollars.

For making a new roof, and other repairs to the north wing of the Capitol, twenty-five thousand dollars.

For opening and repairing avenues and roads within the territory of Columbia, three thousand dollars.

For repairs and improvements on the President's house, and the lot of ground on which the same stands, fifteen thousand dollars.

SEC. 2. *And be it further enacted*, That the several sums of money hereby appropriated, shall be paid out of any money in the Treasury not otherwise appropriated.

Approved, March 3, 1807.

An Act making appropriations for the support of Government, during the year one thousand eight hundred and seven.

Be it enacted, &c., That, for the expenditure of the civil list, in the present year, including the contingent expenses of the several departments and officers; for the compensation of the several loan officers and their clerks, and for books and stationery for the same; for the payment of annuities and grants; for the support of the Mint Establishment; for the expenses of intercourse with foreign nations; for the support of lighthouses, beacons, buoys, and public piers; for defraying the expenses of surveying the public lands, and for satisfying certain miscellaneous claims; the following sums be, and the same hereby are respectively appropriated, that is to say:

For compensation granted by law to the Members of the Senate and House of Representatives, their officers and attendants, estimated for a session of four months and a half continuance, two hundred and one thousand four hundred and twenty-five dollars.

For the expense of fire-wood, stationery, printing, and all other contingent expenses of the two Houses of Congress, twenty-four thousand two hundred dollars.

For all contingent expenses of the library, and librarian's allowance for the year one thousand eight hundred and seven, eight hundred dollars.

For compensation to the President and Vice President of the United States, thirty thousand dollars.

For compensation to the Secretary of State, clerks, and persons employed in that Department, thirteen thousand dollars.

For the incidental and contingent expenses of the said Department, four thousand two hundred dollars.

For printing and distributing copies of the laws of the second session of the ninth Congress, and printing the laws in newspapers, eight thousand two hundred and fifty dollars.

For special messengers charged with despatches, two thousand dollars.

For compensation to the Secretary of the Treasury, clerks, and persons employed in his office, sixteen thousand seven hundred dollars.

For the expense of translating foreign languages, allowance to the person employed in receiving and transmitting passports and sea letters, stationery and printing, one thousand dollars.

For compensation to the Comptroller of the Treasury, clerks, and persons employed in his office, twelve thousand nine hundred and seventy-seven dollars.

For expense of stationery, printing, and incidental and contingent expenses of the Comptroller's office, eight hundred dollars.

For compensation to the Auditor of the Treasury, the clerks and persons in his office, twelve thousand two hundred dollars.

For expense of stationery, printing, and incidental and contingent expenses in the office of the Auditor of the Treasury, five hundred dollars.

For compensation to the Treasurer, clerks, and persons employed in his office, six thousand two hundred and twenty-seven dollars and forty-five cents.

For expense of stationery, printing, and incidental and contingent expenses in the Treasurer's office, three hundred dollars.

For compensation to the Register of the Treasury, clerks, and persons employed in his office, sixteen thousand and fifty-two dollars and two cents.

For expense of stationery and printing in the Register's office, (including books for the public stock, and for the arrangement of the marine papers,) two thousand eight hundred dollars.

For purchasing books, maps, and charts for the use of the Treasury Department, four hundred dollars.

For compensation to the Secretary of the Commissioners of the Sinking Fund two hundred and fifty dollars.

For fuel, and other contingent expenses of the Treasury Department, four thousand dollars.

For defraying the expenses incident to the stating and printing of the public accounts, for the year one thousand eight hundred and seven, two hundred dollars.

For compensation to a Superintendent employed to secure the buildings and records of the Treasury, during the year one thousand eight hundred and seven, including the expense of two watchmen, and for the repair of two fire engines, buckets, lanterns, and other incidental expenses, one thousand one hundred dollars.

For compensation to the Secretary of War, clerks, and persons employed in his office, eleven thousand two hundred and fifty dollars.

For the expense of fuel, stationery, printing, and other contingent expenses of the office of the Secretary of War, one thousand dollars.

For compensation to the Accountant of the War Department, clerks, and persons employed in his office, ten thousand nine hundred and ten dollars.

For contingent expenses in the office of the Accountant of the War Department, one thousand dollars.

For compensation to clerks employed in the Paymaster's office, one thousand eight hundred dollars.

For fuel in the said office, ninety dollars.

For compensation to the Purveyor of Public Supplies, clerks, and persons employed in his office, and for expense of stationery, store rent, and fuel for the said office, four thousand six hundred dollars.

For compensation to the Secretary of the Navy, clerks, and persons employed in his office, nine thousand eight hundred and ten dollars.

For expense of fuel, stationery, printing, and other contingent expenses in the office of the Secretary of the Navy, two thousand dollars.

For compensation to the Accountant of the Navy, clerks, and persons employed in his office, ten thousand four hundred and ten dollars.

For contingent expenses in the office of Accountant of the Navy, five hundred dollars.

For compensation to the Postmaster General, to the Assistant Postmaster General, and clerks, and persons employed in the Postmaster General's office, fourteen thousand four hundred and fifty dollars.

For expense of fuel, candles, house rent for the messenger, stationery, chests, &c., exclusive of expenses for prosecution, portmanteaus, mail locks, and other expenses incident to the Department, these being paid for by the Postmaster General, out of the funds of the office, two thousand five hundred dollars.

For compensation to the several Loan officers, thirteen thousand two hundred and fifty dollars.

For compensation to the clerks of the several Commissioners of Loans, and for an allowance to certain loan officers, in lieu of clerk hire, and to defray the authorized expenses of the several loan offices, fifteen thousand dollars.

For compensation to the Surveyor General, and for that of the clerks employed by him, three thousand two hundred dollars.

For compensation to the Surveyor of the lands south of the State of Tennessee, clerks employed in his office, stationery, and other contingencies, three thousand two hundred dollars.

For compensation to the officers of the Mint:

The Director, two thousand dollars.

The Treasurer, one thousand two hundred dollars.

The Assayer, one thousand five hundred dollars.

The Chief Coiner, one thousand five hundred dollars.

The Melter and Refiner, one thousand five hundred dollars.

The Engraver, one thousand two hundred dollars.

One clerk at seven hundred dollars.

And two clerks at five hundred dollars.

For the wages of persons employed in the different branches of melting, coining, carpenter's, millwright's, and smith's work, including the sum of one thousand dollars per annum, allowed to an assistant coiner, and die forger, who also oversees the execution of the iron work, seven thousand two hundred and seventy-eight dollars.

For the repairs of furnaces, costs of rollers and screws, timber, bar iron, lead, steel, potash, and for all other contingencies of the Mint, two thousand six hundred and fifty dollars.

For compensation to the Governor, Judges, and Secretary of the Territory of Orleans, thirteen thousand dollars.

For incidental and contingent expenses of the executive officers of the said Territory, and for express hire, and compensation of an Indian interpreter, two thousand eight hundred and fifty dollars.

For compensation to the Governor, Judges, and Secretary of the Mississippi Territory, five thousand nine hundred and fifty dollars.

For expense of stationery, office rent, and other contingent expenses in said Territory, three hundred and fifty dollars.

For compensation of the Governor, Judges, and Secretary of the Indiana Territory, five thousand one hundred and fifty dollars.

For expenses of stationery, office rent, and other contingent expenses of the said Territory, three hundred and fifty dollars.

For compensation to the Governor, Judges, and Secretary of the Michigan Territory, five thousand one hundred and fifty dollars.

For expense of stationery, office rent, and other contingent expenses of the said Territory, three hundred and fifty dollars.

For compensation to the Governor, Judges, and Secretary of the Louisiana Territory, five thousand one hundred and fifty dollars.

For expense of stationery, office rent, and other contingent expenses of the said Territory, three hundred and fifty dollars.

For the discharge of such demands against the United States on account of the civil department, not otherwise provided for, as shall have been admitted in a due course of settlement at the Treasury, two thousand dollars.

For additional compensation to the clerks of the several Departments of State, Treasury, War, and Navy, and of the General Post Office, not exceeding, for each Department, respectively, fifteen per centum, in addition to the sums allowed by the act, entitled "An act to regulate and fix the compensation of clerks, and to authorize the laying out certain public roads, and for other purposes," thirteen thousand two hundred and sixty-nine dollars.

For compensation granted by law to the Chief Justice, Associate Judges, and District Judges of the United States, including the Chief Justice and two Associate Judges of the District of Columbia; to the Attorney General and to the Judge of the District of Orleans, fifty-nine thousand four hundred dollars.

For the like compensation granted to the several District Attorneys of the United States, three thousand four hundred dollars.

For compensation to the Marshals of the districts of Maine, New Hampshire, Vermont, Kentucky, Ohio, East and West Tennessee, and Orleans, one thousand six hundred dollars.

For defraying the expenses of the Supreme Circuit, and District Courts of the United States, including the District of Columbia, and of jurors and witnesses, in aid of the funds arising from fines, forfeitures, and penalties, and likewise for defraying the expenses of prosecution for offences against the United States, and for safe-keeping of prisoners, forty thousand dollars.

For the payment of sundry pensions granted by the late Government, eight hundred and sixty dollars.

For the payment of the annual allowance to the invalid pensioners of the United States, from the fifth of March, one thousand eight hundred and seven, to the fourth of March, one thousand eight hundred and eight, ninety-eight thousand dollars.

For the maintenance and support of light-houses, beacons, buoys, and public piers, and stakeage of channels, bars, and shoals, and certain contingent expenses, eighty-three thousand nine hundred and sixty-one dollars and eight cents.

For erecting a light-house on St. Simon's island, in Georgia, the former appropriation of seven thousand dollars for that object having been carried to the surplus fund, nineteen thousand dollars.

For erecting light-houses at the mouth of the Mississippi river, and at or near the pitch of Cape Look-out, in North Carolina, in addition to the sums heretofore appropriated by law for those objects, the balance of a former appropriation for those objects, of twenty-four thousand six hundred and twenty-five dollars and ninety-six cents, having been carried to the surplus fund, fifty-five thousand dollars.

For erecting a light-house on Whitehead, at the entrance of Penobscot bay, the former appropriation for that object having been carried to the surplus fund, two thousand two hundred and five dollars and eighty cents.

For the erection of beacons in the harbor of New York, in addition to the sums heretofore appropriated, one thousand two hundred dollars.

For defraying the expenses incurred in surveying the coast of North Carolina, between Cape Hatteras and Cape Fear, in addition to the sum heretofore appropriated for that object, one thousand three hundred dollars.

For compensating the commissioners in the aforesaid service for the loss of their effects incident to the service, on board the revenue cutters wrecked at Ocracock; the amount of which loss the accounting officers of the Treasury are hereby authorized to liquidate and allow, upon satisfactory proof being exhibited to them of such loss, one thousand six hundred dollars.

For carrying on the surveys of public lands in the State of Ohio, and in the several Territories, seventy-three thousand one hundred and eighty dollars.

For expenses of intercourse with foreign nations, thirty-three thousand and fifty dollars.

For contingent expenses of intercourse with foreign nations, twenty thousand dollars.

For expenses of intercourse with the Barbary Powers, fifty thousand dollars.

For contingent expenses of intercourse with the Barbary Powers, fifty thousand dollars.

For the relief and protection of distressed American seamen, five thousand dollars.

For the salaries of the agents at London, Paris, and Madrid, for prosecuting claims in relation to captures, six thousand dollars.

For the discharge of such miscellaneous claims against the United States, not otherwise provided for, as shall have been admitted in due course of settlement at the Treasury, and which are of a nature, according to the usage thereof, to require payment in specie, four thousand dollars.

SEC. 2. *And be it further enacted*, That the several appropriations heretofore made shall be paid and discharged out of the fund of six hundred thousand dollars, reserved by an act making provision for the debt of the United States, and out of any moneys in the Treasury not otherwise appropriated.

Approved, March 3, 1807.

An Act making compensation to Messrs. Lewis and Clarke, and their companions.

Be it enacted, &c., That the Secretary of War be, and he is hereby, directed to issue land warrants to Meriwether Lewis and William Clarke, for one thousand six hundred acres each; to John Ordway, Nathaniel Prior, the heirs or legal representatives of Charles Floyd, (deceased,) Patrick Gass, William Bratton, John Collins, John Colter, Pier Cruzatte, Joseph Field, Reuben Field, Robert Frazier, Silas Goodrich, George Gibson, Thomas P. Howard, Hugh Hall, Francis Labuiche, Hugh M'Neal, John Shields, George Shannon, John Potts, John Baptiste Le Page, John B. Thompson, William Werner, Richard Windsor, Peter Wiser, Alexander Willard, Joseph Whitehouse, George Drulyard, Tousaint Charbono, Richard Worfengton, and John Newman, for three hundred and twenty acres each: which several warrants may, at the option of the holder or possessor, be located with any register or registers of the land offices, subsequent to the public sales in such office, on any of the public lands of the United States, lying on the west side of the Mississippi, then and there offered for sale, or may be received at the rate of two dollars per acre, in payment of any such public lands.

SEC. 2. *And be it further enacted*, That double pay shall be allowed, by the Secretary of War, to each of the before named persons, agreeably to the time he or they may have served, in the late enterprise to the Pacific Ocean, conducted by Messrs. Lewis and Clarke, and that the sum of eleven thousand dollars be and the same hereby is appropriated to discharge the same, out of any moneys in the Treasury not otherwise appropriated.

Approved, March 3, 1807.

An Act repealing the acts laying duties on salt, and continuing in force for a further time the first section of the act, entitled "An act further to protect the commerce and seamen of the United States against the Barbary Powers."

Be it enacted, &c., That, from and after the thirtieth day of June next, the act, entitled "An act laying an additional duty on salt imported into the United States, and for other purposes," passed the eighth day of July, one thousand seven hundred and ninety-seven, shall be, and the same hereby is, repealed, and that, from and after the thirty-first day of December next, so much of any act as lays a duty on imported salt be, and the same hereby is, repealed; and, from and after the day last aforesaid, salt shall be imported into the United States free of duty: *Provided*, That for the recovery and receipt of such duties as shall have accrued, and on the days aforesaid, respectively, remain outstanding, and for the recovery and distribution of fines, penalties, and forfeitures, and the remission thereof, which shall have been incurred before and on the said days, respectively, the provisions of the aforesaid act shall remain in full force and virtue.

SEC. 2. *And be it further enacted*, That, from and after the first day of January next, so much of any act as allows a bounty on exported salt provisions and pickled fish, in lieu of drawback of the duties on the salt employed in curing the same, and so much of any act as makes allowance to the owners and crews of fishing vessels, in lieu of drawback of the duties paid on the salt used by the same, shall be, and the same hereby is, repealed: *Provided*, That the provisions of the aforesaid acts shall remain in full force and virtue for the payment of the bounties or allowances incurred or payable on the first day of January next.

SEC. 3. *And be it further enacted*, That so much of the act, passed on the twenty-fifth day of March, one thousand eight hundred and four, entitled "An act further to protect the commerce and seamen of the United States against the Barbary Powers," as is contained in the first section of the said act, be, and the same hereby is, continued in force until the first day of January next, and no longer: *Provided, however*, That the additional duty laid by the said section shall be collected on all such goods, wares, and merchandise, liable to pay the same, as shall have been imported previous to that day.

Approved, March 3, 1807.

An Act authorizing patents to issue for lands located and surveyed by virtue of certain Virginia resolution warrants.

Be it enacted, &c., That any officer or soldier of the Virginia line, on continental establishment, or his legal representatives, to whom a land warrant has issued, by virtue of any resolution of the Legislature of Virginia, as a bounty for services which, by the laws of Virginia, passed prior to the cession of the Northwestern Territory to the United States, entitled such officer or soldier to bounty lands, shall if the said warrant has been or shall be located within three years from the twenty-third of March next, and a survey thereof has been or shall be within five years from the said twenty-third of March next, returned to the office of the Secretary of War, obtain a patent for the same, in the same manner, and on the same conditions, as patents are obtained for lands located and surveyed on other warrants of the officers and soldiers of the Virginia line, on continental establishment: *Provided*, That no patent shall be obtained on such resolution warrant, unless there is produced to the Secretary of War satisfactory evidence that such warrant was granted for services which, by the laws of Virginia passed prior to the cession of the Northwestern Territory, would have entitled such officer or soldier, his heirs or assigns, to bounty lands, and also a certificate of the Register of the Land Office of Virginia that no other warrant has issued from the said land office for the same services.

SEC. 2. *And be it further enacted*, That no patent shall be issued, by virtue of the preceding section, for a greater quantity of land, than the rank or term of service of the officer or soldier, to whom or whose legal representatives such resolution warrant has been granted, would have entitled him to under the aforesaid laws of Virginia; and whenever it appears to the Secretary of War that the survey or surveys, made in virtue of any resolution warrant, is for a greater quantity of land than the officer or soldier is entitled to for his services, the Secretary of War shall certify, on the said survey or surveys, the amount of such surplus quantity, and the officer or soldier, his heirs or assigns, shall have leave to withdraw his survey from the office of the Secretary of War, and resurvey his location, excluding such surplus quantity, in one body, from any part of his resurvey, and a patent shall issue upon such resurvey as in other cases.

Approved, March 3, 1807.

An Act regulating the grants of land in the Territory of Michigan.

Be it enacted, &c., That all the decisions made by the commissioners appointed for the purpose of examining the claims of persons claiming lands in the district of Detroit, in favor of such claimants, as entered in the transcript of decisions which have been transmitted by the said commissioners, to the Secretary of the Treasury, according to law, be, and the same are hereby confirmed.

SEC. 2. *And be it further enacted*, That, to every person or persons in actual possession, occupancy, and improvement, of any tract or parcel of land, in his, her, or their own right, at the time of the passing of this act, within that part of the Territory of Michigan, to which the Indian title has been extinguished, and which said tract or parcel of land was settled, occupied, and improved, by him, her, or them, prior to and on the first day of July, one thousand seven hundred and ninety-six, or by some other person or persons, under whom he, she, or they, hold or claim the right to the occupancy, or possession thereof, and which said occupancy or possession has been continued to the time of the passing of this act; the said tract or parcel of land thus possessed, occupied, and improved, shall be granted, and such occupant or occupants shall be confirmed in the title to the same, as an estate of inheritance, in fee simple: *Provided, however*, That no other claims shall be confirmed, by virtue of this section, than such as have been entered with the register of the land office of Detroit, within the time, and in the manner, provided by law, and by the commissioners, aforesaid, have been inserted in their report, transmitted as aforesaid; nor shall more than one tract or parcel of land be thus granted to any one person, and the same shall not contain more than the quantity claimed, nor more than six hundred and forty acres: *And provided, also*, That the same shall not extend to any tract heretofore reserved, or which may, by the President of the United States, be set aside for public uses, in the town of Detroit and its vicinity, or on the island of Michilimackinac.

Sec. 3. *And be it further enacted*, That the Secretary of the Territory of Michigan, together with the register and receiver of public moneys of the land office of Detroit, shall be commissioners for the purpose of ascertaining and deciding on the rights of persons claiming the benefit of this act; and the said commissioners shall, previous to entering on the duties of their appointment, respectively take and subscribe the following oath or affirmation, before some person qualified to administer the same: I, —— ——, do solemnly swear (or affirm) that I will impartially exercise and discharge the duties imposed upon me, by an act of Congress, entitled "An act regulating the grants of land in the Territory of Michigan." And it shall be the duty of the said commissioners to meet at the town of Detroit, on or before the first day of July next, and they shall not adjourn to any other place, or for any onger time than three days, until the first day of January next, or until they have completed the business of their appointment. And the said ommissioners, or a majority of them, shall have power to hear and decide in a summary manner, ll matters respecting such claims, to compel he attendance of witnesses, to administer oaths nd examine witnesses, and such other testimony as may be adduced, and to determine theren according to justice and equity. Minutes of he proceedings, decisions, meetings, and adjournments of the board, shall be regularly entered by he register, in a book to be kept for that purpose, gether with the evidence on which such decisns are made, unless such evidence has already een entered according to law in the book or books minutes, kept by the commissioners appointed nder former acts, to investigate the claims to nd in the district of Detroit. And when it shall ppear to the said commissioners that the claimt is entitled to a tract of land by virtue of this t, they shall give a certificate thereof, stating e circumstances of the case, and that the claimt is entitled to receive a patent for such a tract land, by virtue of this act; which tract shall surveyed in conformity with the decision of e commissioners, at the expense of the party, d under the direction of the surveyor general, such of his assistants, residing in the Territory Michigan, as the said surveyor general shall point for that purpose: *Provided*, That the ole expense of surveying and marking the lines, ll not exceed three dollars for every mile that ll be actually run, surveyed, or marked. The veyor general shall transmit to the register of land office at Detroit, general and particular ts of all the lands surveyed as aforesaid, and ll also forward copies of the said plots to the Setary of the Treasury. The commissioners shall nsmit to the Secretary of the Treasury a tranpt of their decisions in favor of claimants, which ll contain a statement of the evidence on which h respective claim is founded, and shall be signed by the said commissioners, and shall state the names of the parties in whose favor the certificates have been granted, the number of acres granted, and the situation of the land. And the certificate and certificates granted as aforesaid, by the commissioners, being duly entered with the register of the land office of Detroit, prior to the first day of January, one thousand eight hundred and nine, shall entitle the party or parties, as soon as the plot or plots aforesaid shall have been transmitted to the said register, to receive from him a certificate or certificates, for each of which certificates the register shall receive one dollar, directed to the Secretary of the Treasury; and if it shall appear to the satisfaction of the said Secretary that such certificates have been fairly obtained, according to the true intent and meaning of this act, then, and in that case, patents shall issue, in like manner as is provided by law for the other lands of the United States.

Sec. 4. *And be it further enacted*, That the powers vested by this act in the commissioners abovementioned shall not extend to the lots in the town of Detroit, the claims to which shall be ascertained and decided upon, in the manner provided by the act, entitled "An act to provide for the adjustment of titles of land in the town of Detroit, and Territory of Michigan, and for other purposes."

Sec. 5. *And be it further enacted*, That the Secretary of the Territory of Michigan shall be entitled to receive five hundred dollars, in full for all the services rendered by him under this act, to be paid out of the sums which have been or may be appropriated for carrying into effect the several laws enacted for the disposal of public lands, and for the adjustment of claims in the Indiana or Michigan Territories.

Approved, March 3, 1807.

An Act making appropriations for carrying into effect a treaty between the United States and the Chickasaw tribe of Indians; and to establish a land office in the Mississippi Territory.

Be it enacted, &c., That, for the purpose of carrying into effect a treaty, made on the twenty-third day of July, one thousand eight hundred and five, between the United States and the Chickasaw nation of Indians, the following sums, to be paid out of any moneys in the Treasury not otherwise appropriated, be, and the same hereby are, appropriated, in conformity with the stipulations contained in the said treaty; that is to say: to the said Chickasaw nation, twenty thousand dollars; to George Colbert and O'Koy, each, one thousand dollars; and to Chinubbe Mingo, chief of the nation, an annuity of one hundred dollars, during his natural life.

Sec. 2. *And be it further enacted*, That it shall be the duty of the surveyor general of the public lands south of Tennessee, to cause to be surveyed and laid out, in the same manner as is provided by law for the other public lands in the Mississippi Territory, so much of the lands ceded to the United States by the Cherokees and Chickasaws as lies within the said Territory; and the President of the United States is hereby authorized, whenever he shall think it proper, to establish a land office for the sale of the said lands, and to appoint a register of the same, and a receiver of the public moneys accruing from the sale of the said lands, whose respective emoluments and duties shall be the same as those of the registers and receivers of the other land offices in the said Territory.

Approved, March 3, 1807.

An Act respecting claims to land in the Territories of Orleans and Louisiana.

Be it enacted, &c., That so much of the first section of the act, entitled "An act for ascertaining and adjusting the titles and claims to land within the Territory of Orleans and the District of Louisiana," as provides that no incomplete title shall be confirmed, unless the person in whose name the warrant or order of survey had been granted, was, at the time of its date, either the head of a family or above the age of twenty-one years, be, and the same is hereby, repealed.

SEC. 2. *And be it further enacted*, That any person or persons, and the legal representative of any person or persons, who, on the twentieth day of December, one thousand eight hundred and three, had for ten consecutive years prior to that day, been in possession of a tract of land not claimed by any other person, and not exceeding two thousand acres, and who were on that day resident in the Territory of Orleans or Louisiana, and had still possession of such tract of land, shall be confirmed in their titles to such tract of land: *Provided*, That no claim to a lead mine, or salt spring, shall be confirmed merely by virtue of this section: *And provided, also*, That no more land shall be granted by virtue of this section than is actually claimed by the party, nor more than is contained within the acknowledged and ascertained boundaries of the tract claimed.

SEC. 3. *And be it further enacted*, That the claim of the Corporation of the city of New Orleans, to the commons adjacent to the said city, and within six hundred yards from the fortifications of the same, be, and the same are hereby, recognised and confirmed: *Provided*, That the said Corporation shall, within six months after passing this act, relinquish and release any claim they may have to such commons beyond the distance of six hundred yards aforesaid: *Provided also*, That the Corporation shall reserve for the purpose, and convey gratuitously for the public benefit, to the company authorized by the Legisture of the Territory of Orleans, as much of the said commons as shall be necessary to continue the canal of Carondelet from the present basin to the Mississippi, and shall not dispose of, for the purpose of building thereon, any lot within sixty feet of the space reserved for building a canal, which shall forever remain open as a public highway: *And provided, also*, That nothing herein contained shall be construed to affect or impair the rights of any individual or individuals to the said commons, which are derived from any grant of the French or Spanish Government.

SEC. 4. *And be it further enacted*, That the Commissioners appointed or to be appointed for the purpose of ascertaining the rights of persons claiming land in the Territories of Orleans and Louisiana, shall have full powers to decide according to the laws and established usages and customs of the French and Spanish Governments, upon all claims to lands within their respective districts, where the claim is made by any person or persons, or the legal representative of any person or persons, who were on the twentieth o December, one thousand eight hundred and three inhabitants of Louisiana, and for a tract not exceeding the quantity of acres contained in a league square, and which does not include eithe a lead mine or salt spring, which decision o the Commissioners, when in favor of a claimant shall be final against the United States, any ac of Congress to the contrary notwithstanding.

SEC. 5. *And be it further enacted*, That th time fixed by the act abovementioned, and by th acts supplementary to the same, for delivering t the proper register or recorder, notices in writin and the written evidences of claims to land, be and the same is hereby extended, for the Territories of Orleans and Louisiana, till the first day o July, one thousand eight hundred and eight; an persons delivering such notices and evidence shall be entitled to the same benefit as if the sam had been delivered within the time limited by th former acts; but the rights of such persons a shall neglect so doing within the time limited b this act, shall, so far as they are derived from c founded on any act of Congress, ever after b barred and become void, and the evidences of the claims never after admitted as evidence in an court of law or equity whatever.

SEC. 6. *And be it further enacted*, That th commissioners appointed, or to be appointed, fo the purpose of ascertaining the rights of perso claiming lands in the Territories of Orleans an Louisiana, shall respectively transmit to the Se retary of the Treasury and to the surveyor gen ral, or officer acting as surveyor general, tran cripts of the final decisions made in favor claimants by virtue of this act, and they sha deliver to the party a certificate, stating the ci cumstances of the case, and that he is entitled a patent for the tract of land therein designate which certificate shall be filed with the prop register or recorder, within twelve months aft date. And the register or recorder shall thereup (a plat of the tract of land therein designat being previously filed with him, or transmitted him by the officer acting as surveyor general the manner hereinafter provided,) issue a cert cate in favor of the party, which certificate, bei transmitted to the Secretary of the Treasury, sh entitle the party to a patent, to be issued in l manner as is provided by law for the issuing patents for public lands lying in other Territor of the United States.

SEC. 7. *And be it further enacted*, That tracts of land thus granted by the commission shall be surveyed at the expense of the parties, under the direction of the surveyor general, or officer acting as surveyor general, in all cases where an authenticated plat of the land, as surveyed under the authority of the officer acting as surveyor general under the French, Spanish, or American Governments respectively, during the time either of the said Governments had the actual possession of the said Territories of Orleans and Louisiana, shall not have been filed with the proper register or recorder, or shall not appear of record on the public records of the said Territories of Orleans and Louisiana. The said commissioners shall also be authorized, whenever they may think it necessary, to direct the surveyor general, or officer acting as such, to cause any tract of land already duly surveyed, to be resurveyed at the expense of the United States. And the surveyor general, or officer acting as such, shall transmit general and particular plats of the tracts of land thus surveyed, to the proper register or recorder, and shall also transmit copies of the said plats to the Secretary of the Treasury.

Sec. 8. *And be it further enacted*, That the commissioners aforesaid shall respectively report to the Secretary of the Treasury their opinion on all the claims to land within their respective districts, which they shall not have finally confirmed by the fourth section of this act. The claims shall, in the said report or reports, be arranged into three general classes, that is to say: first, claims which, in the opinions of the commissioners, ought to be confirmed in conformity with the provisions of the several acts of Congress, for ascertaining and adjusting the titles and claims to land within the Territories of Orleans and Louisiana; secondly, claims which, though not embraced by the provisions of the said acts, ought nevertheless, in the opinion of the commissioners, to be confirmed in conformity with the laws, usages, and customs of the Spanish Government; thirdly, claims which neither are embraced by the provisions of the said acts, nor ought, in the opinion of the commissioners, to be confirmed in conformity with the laws, usages, and customs of the Spanish Government; and the said report and reports being in other respects made in conformity with the forms prescribed according to law, by the Secretary of the Treasury, shall by him be laid before Congress, for their final determination thereon, in the manner and at the time heretofore prescribed by law for that purpose.

Sec. 9. *And be it further enacted*, That the following allowances and compensations shall be made to the several officers hereinafter mentioned, that is to say: to the principal deputy of the surveyor general, for the district of Louisiana, at the rate of five hundred dollars a year, from the time he entered into the duties of his office, in addition to the fees which he is entitled to receive by law. To the register of the western district of the Orleans Territory, and to the clerk of the board of commissioners for that district, one thousand dollars each, for their services as commissioners and clerk respectively, during the year one thousand eight hundred and six. To each of the deputy registers of the Territory of Orleans, five hundred dollars in full, for their services subsequent to the first day of January last, in addition to the fees to which they are legally entitled. To each of the commissioners, at the rate of two thousand dollars a year; to each of the clerks of the boards, and to each of the agents employed by the Secretary of the Treasury, at the rate of fifteen hundred dollars a year, and to each of the translators, at the rate of six hundred dollars a year, to commence from the first day of July next, in the district of Louisiana, and from the first day of January next, in the Territory of Orleans, and to continue to the time when each board shall be respectively dissolved: *Provided*, That no more than eighteen months compensation be thus allowed to the said commissioners, clerks, and translators, and that the compensation of any such officer absenting himself from his district, or failing to attend to the duties of his office, shall cease during such absence or failure.

Approved, March 3, 1807.

An Act making further appropriations for fortifying the ports and harbors of the United States.

Be it enacted, &c., That a sum of money, not exceeding one hundred and fifty thousand dollars, in addition to the sums heretofore appropriated, be, and the same is hereby, appropriated, to enable the President of the United States to cause the ports and harbors of the United States to be better fortified and protected.

Sec. 2. *And be it further enacted*, That the money appropriated by this act, shall be paid out of any money in the Treasury of the United States, not otherwise appropriated.

Approved, March 3, 1807.

An Act authorizing the employment of the land and naval forces of the United States, in cases of insurrections.

Be it enacted, &c., That in all cases of insurrection, or obstruction to the laws, either of the United States, or of any individual State or Territory, where it is lawful for the President of the United States to call forth the militia for the purpose of suppressing such insurrection, or of causing the laws to be duly executed, it shall be lawful for him to employ for the same purposes, such part of the land or naval force of the United States, as shall be judged necessary, having first observed all the pre-requisites of the law in that respect.

Approved, March 3, 1807.

An Act in addition to an act, entitled "An act in addition to an act, entitled 'An act supplementary to the act providing for a Naval Peace Establishment, and for other purposes."

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized, in addition to the present naval peace establishment, to employ a number of able seamen, ordinary seamen, and boys, not exceeding five hundred, should the exigency of the public service require the same.

Approved, March 3, 1807.

An Act making appropriations for carrying into effect certain treaties with the Cherokee and Piankeshaw tribes of Indians.

Be it enacted, &c., That, for carrying into effect a convention between the United States and the Cherokee nation of Indians, the following sums, to be paid out of any moneys in the Treasury, not otherwise appropriated, be, and the same hereby are, appropriated; that is to say: to the said Cherokee nation, two thousand dollars, and the further annual sum of two thousand dollars for four years successively; and to the Cherokee chief, called the Black Fox, the annual sum of one hundred dollars, during his natural life.

Sec. 2. *And be it further enacted*, That, for carrying into effect a treaty between the United States and the Piankeshaw tribe of Indians, concluded at Vincennes, on the thirtieth day of December, one thousand eight hundred and five, there shall be, and hereby are, appropriated, in addition to appropriations for carrying into effect former treaties, a sum of one thousand dollars, and a further annual sum of three hundred dollars, to be paid out of any moneys in the Treasury, not otherwise appropriated.

Approved, March 3, 1807.

An Act disapproving of an act passed by the Governor and Judges of the Territory of Michigan, entitled "An act concerning the bank of Detroit."

Be it enacted, &c., That an act, entitled "An act concerning the bank of Detroit," adopted and published by the Governor and Judges of the Territory of Michigan, on the nineteenth day of September, in the year of our Lord one thousand eight hundred and six, is hereby disapproved of by Congress, and that the same shall be of no force or effect.

Approved, March 3, 1807.

An Act to establish certain Post Roads; and for other purposes.

Be it enacted, &c., That the following post roads be established:

In Orleans.—From New Orleans, to the Balize, and from New Orleans by the mouth of the Fourche, mouth of the canal at Attakapas, Lake Veret, the ferry of Lake Veret, the mouth of Teache, the church of Attakapas, and the church of Appelousas, to Rapides. And the Postmaster General be, and he is hereby authorized to allow and pay to the postmaster, which may be appointed at the Balize, in addition to the legal fees of office, such sum as he may judge reasonable, not exceeding four hundred dollars per annum, as a compensation for his services.

Sec. 2. *And be it further enacted*, That the President of the United States is hereby authorized to cause to be opened a road from the thirty-first degree of north latitude to New Orleans, on the route from Athens to New Orleans, under such regulations as may be agreed upon for that purpose between the Executive of the United States and the Spanish Government: And he is hereby authorized to expend, in opening the same, any part of the money heretofore appropriated for opening a road on the said route from the frontier of Georgia, to the thirty-first degree of north latitude, which remains unexpended.

Approved, March 3, 1807.

An Act making appropriations for extra services, to the Governor, Judges, and Secretary of the Indiana Territory.

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, directed to pay to the Governor, Judges, and Secretary of the Indiana Territory, out of any money in the Treasury, not otherwise appropriated, the sum of three hundred dollars each, as a compensation for the extra services by them performed, in obedience to the act, entitled "An act erecting Louisiana into two Territories, and providing for the temporary government thereof."

Approved, March 3, 1807.

An Act to prevent settlements being made on lands ceded to the United States, until authorized by law.

Be it enacted, &c., That, if any person or persons shall, after the passing of this act, take possession of, or make a settlement on, any lands ceded or secured to the United States, by any treaty made with a foreign nation, or by a cession from any State to the United States, which lands shall not have been previously sold, ceded, or leased by the United States, or the claim to which lands, by such person or persons, shall not have been previously recognised and confirmed by the United States: or if any person or persons shall cause such lands to be thus occupied, taken possession of, or settled; or shall survey or attempt to survey, or cause to be surveyed, any such lands; or designate any boundaries thereon, by marking trees, or otherwise, until thereto duly authorized by law; such offender or offenders, shall forfeit all his or their right, title, and claim, if any he hath, or they have, of whatsoever nature or kind the same shall or may be, to the lands aforesaid, which he or they shall have taken possession of, or settled, or cause to be occupied, taken possession of, or settled, or which he or they shall have surveyed, or attempt to survey, or cause to be surveyed, or the boundaries thereof he or they shall have designated, or cause to be designated, by marking trees or otherwise. And it shall moreover be lawful for the President of the United States, to direct the marshal, or other officer acting as marshal, in the manner hereinafter directed, and also to take such other measures, and to employ such military force as he may judge necessary and proper to remove from lands ceded, or secured to the United States, by treaty, or cession as aforesaid, any person or persons who shall hereafter take possession of the same, or make, or attempt to make a settlement thereon, until thereunto authorized by law. And every right, title, or claim, forfeited under this act, shall be taken and deemed to be vested in the United States, without any other or further proceedings: *Provided*, That nothing herein contained shall be construed to affect the right, title, or claim, of any person to lands in the Territories of Orleans or Louisiana, before the boards of commissioners established by the act, entitled "An act for ascertaining and adjusting the titles and claims to lands within the Territory of Orleans and the district of Louisiana," shall have made their reports, and the decision of Congress been had thereon.

Sec. 2. *And be it further enacted*, That any person or persons who, before the passing of this act, had taken possession of, occupied, or made a settlement on any lands ceded or secured to the United States, by any treaty made with a foreign nation, or by a cession from any State to the United States, which lands had not been previously sold, ceded, or leased, by the United States, or the claim to which lands had not been previously recognised and confirmed by the United States; and who at the time of passing this act does or do actually inhabit and reside on such lands, may, at any time prior to the first day of January next, apply to the proper register or recorder, as the case may be, of the land office established for the disposal, registering, or recording of such lands, or to such person or persons as may by such registers or recorders respectively, be appointed for the purpose of receiving such applications, stating the tract or tracts of lands thus occupied, settled, and inhabited by such applicant or applicants, and requesting permission to continue thereon; and it shall thereupon be lawful for such register or recorder respectively to permit, in conformity with such instructions as may be given by the Secretary of the Treasury, with the approbation of the President of the United States, for that purpose, such applicant or applicants to remain on such tract or tracts of land, not exceeding three hundred and twenty acres for each applicant, as tenants at will, on such terms and conditions as shall prevent any waste or damages on such lands, and on the express condition that such applicant or applicants shall, whenever such tract or tracts of land may be sold, or ceded by the United States, or whenever, for any other cause, he or they may be required under the authority of the United States so to do, give quiet possession of such tract or racts of land, to the purchaser or purchasers, or remove altogether from the land, as the case may be: *Provided, however*, That such permission shall not be granted to any such applicant, unless he shall previously sign a declaration stating that he does not lay any claim to such tract or tracts of land, and that he does not occupy the same, by virtue of any claim or pretended claim derived or pretended to be derived from any other person or persons: *And provided, also*, That in all cases where the tract of land applied for, includes either a lead mine or salt spring, no permission to work he same shall be granted without the approbation f the President of the United States, who is hereby authorized to cause such mines or springs to be leased for a term not exceeding three years, and on such conditions as he shall think proper.

Sec. 3. *And be it further enacted*, That all the applications made, and provisions granted by virtue of the last preceding section, shall be duly entered on books to be kept for that purpose, by the registers and recorders aforesaid respectively; and they shall be entitled to receive from the party for each application, fifty cents, and for each permission, one dollar.

Sec. 4. *And be it further enacted*, That it shall be lawful, after the first day of January next, for the proper marshal, or officer acting as marshal, under such instructions as may for that purpose be given by the President of the United States, to remove from the lands aforesaid any and every person or persons, who shall be found on the same, and who shall not have obtained permission to remain thereon as aforesaid: *Provided*, That three months previous notice shall be given to all such person or persons, as aforesaid, who were settled on such lands prior to the passing of this act. And every such person, who shall at any time after the expiration of three months after such notice shall have been given, be found on any part of the lands aforesaid, shall moreover incur a penalty of one hundred dollars, to be recovered in any court having jurisdiction of the same, and be moreover liable, on conviction, to imprisonment, at the discretion of the court, not exceeding six months; and the certificate of the proper register, or recorder, shall be a sufficient evidence that the tract of land which was occupied by the offender had not been previously sold, leased, or ceded, by the United States, that the claim to such tract had not been recognised and confirmed by the United States, and that the person occupying the same, and removed, or to be removed, by the marshal, had not obtained permission to remain thereon, in conformity with the provisions of this act: *Provided always, and it is further enacted*, That nothing in this section contained shall be construed to apply to any person claiming lands in the Territories of Orleans or Louisiana, whose claim shall have been filed with the proper commissioners before the first day of January next.

Approved, March 3, 1807.

An Act confirming claims to land in the district of Vincennes, and for other purposes.

Be it enacted, &c., That all the decisions made by the commissioners appointed for the purpose of examining the claims of persons claiming lands in the district of Vincennes, in favor of such claimants, as entered in the transcripts of decisions which have been transmitted by the said commissioners, to the Secretary of the Treasury, according to law, be, and the same are hereby, confirmed.

Sec. 2. *And be it further enacted*, That the confirmations or grants of land, made in the said district of Vincennes, by the Governors of the Northwest and Indiana Territories, prior to the establishment of the board of commissioners aforesaid, and in conformity with the act, entitled "An act for granting lands to the inhabitants and settlers at Vincennes and the Illinois country, in the Territory Northwest of the Ohio, and for confirming them in their possessions," be, and the same are hereby, confirmed; unless when actually rejected by the said commissioners; although the persons entitled to the land may not have given notice of their claim, as required by the several acts making provision for the disposal of the public lands in the Indiana Territory: *Provided, however,* That no other claims shall be confirmed by virtue of this section than such as, having been entered on the Territorial records, have, by the commissioners aforesaid, been inserted in their reports transmitted as aforesaid.

Sec. 3. *And be it further enacted,* That the several persons, or the legal representatives of the several persons, to whom or to whose assigns the several tracts of the tract of land near Vincennes, known by the name of the "Upper Prairie," have been heretofore confirmed, be, and they are hereby, respectively confirmed in their claims to the respective tracts also claimed by them, and in their actual possession, lying in that tract of land containing two hundred and forty-four acres, which is known by the name of "Continuation," and is situated between the boundaries of the tracts already confirmed and the river Wabash.

Sec. 4. *And be it further enacted,* That the several persons whose claims are confirmed by this act, and had not been actuallylocated prior to the establishment of the board of commissioners, be, and they are hereby, authorized to enter their locations with the register of the land office of Vincennes, on any part of the tracts set aside for that purpose, by virtue of the act, entitled "An act respecting the claims to lands in the Indiana Territory, and State of Ohio," and in conformity with the provisions of that act: *Provided,* That such location shall be made prior to the first day of July, one thousand eight hundred and eight; and the right of any person who shall neglect to locate prior to that day, shall become void, and forever be barred.

Sec. 5. *And be it further enacted,* That every person, or the legal representative of every person, whose claim to a tract of land is confirmed by this act, and who had not previously obtained a patent for the same, from the Governor either of the Territory Northwest of the Ohio, or of the Indiana Territory, shall, whenever his claim shall have been located and surveyed, be entitled to receive, from the register of the land office at Vincennes, a certificate stating that the claimant is entitled to receive a patent for such tract of land by virtue of this act; for which certificate the register shall receive one dollar; and which certificate shall entitle the party to a patent for the said tract, which shall issue in like manner as is provided by law for the other lands of the United States.

Sec. 6. *And be it further enacted,* That the register and receiver of public moneys in the district of Kaskaskias be allowed till the first day of December next, to complete the investigation of claims to land in the said district. And each of the said officers, and the clerk of the board, shall be allowed an additional compensation of five hundred dollars in full for his service in relation to such claims.

Sec. 7. *And be it further enacted,* That the public sales of the public lands in the district of Vincennes may be continued six weeks, if the term of three weeks, now prescribed by law, shall not be found sufficient to offer all the lands within the said district for sale.

Sec. 8. *And be it further enacted,* That persons entitled to a right of pre-emption to lands in the Mississippi Territory, shall be allowed till the first day of January next, to make the first payment of the purchase money of such lands.

Approved, March 3, 1807.

An Act concerning Invalid Pensioners.

Be it enacted, &c., That the Secretary of War be, and he is hereby, directed to place the following named persons, whose claims have been transmitted to Congress, pursuant to a law passed the tenth of April, one thousand eight hundred and six, on the pension list of invalid pensioners of the United States, according to the rates, and to commence at the times herein mentioned, that is to say:

Richard Fairbrother, at the rate of three dollars per month, to commence on the twenty-sixth day of May, one thousand eight hundred and six:

John De Voe, at the rate of two dollars and fifty cents per month, to commence on the first day of August, one thousand eight hundred and six:

Peter Demarest, at the rate of three dollars and seventy-five cents per month, to commence on the first day of August, one thousand eight hundred and six:

Stephen Ogden, at the rate of two dollars and fifty cents per month, to commence on the twenty-fifth day of August, one thousand eight hundred and six:

John Berry, at the rate of five dollars per month, to commence on the second day of September, one thousand eight hundred and six:

John King, at the rate of four dollars per month, to commence on the eighteenth day of October one thousand eight hundred and six:

Robert Ames, at the rate of five dollars pe month, to commence on the eighteenth day o October, one thousand eight hundred and six:

Charles Gowin, at the rate of two dollars an fifty cents per month, to commence on the thirty first day of October, one thousand eight hundre and six:

Francis L. Slaughter, at the rate of three dol lars per month, to commence on the fifteenth day of November, one thousand eight hundred an six:

William Re Beck, at the rate of four dollar per month, to commence on the twenty-secon day of November, one thousand eight hundre and six:

Spafford Ames, at the rate of five dollars pe month, to commence on the eleventh day of December, one thousand eight hundred and six:

Josiah Jones, at the rate of four dollars per month, to commence on the twenty-second day of December, one thousand eight hundred and six:

Samuel Dowdney, at the rate of two dollars and fifty cents per month, to commence on the twenty-seventh day of December, one thousand eight hundred and six:

Eliphalet Easton, at the rate of five dollars per month, to commence on the thirty-first day of December, one thousand eight hundred and six:

Joseph Ligon, at the rate of three dollars per month, to commence on the eighth day of January, one thousand eight hundred and seven:

John Hubbard, at the rate of three dollars per month, to commence on the eighth day of January, one thousand eight hundred and seven.

Daniel Guard, at the rate of two dollars and fifty cents per month, to commence on the twenty-third day of January, one thousand eight hundred and seven:

Elisha Forbes, at the rate of three dollars per month, to commence on the twenty-fourth day of January, one thousand eight hundred and seven:

Alexander Simonton, at the rate of three dollars per month, to commence on the ninth day of January, one thousand eight hundred and seven:

Noah Robinson, at the rate of ten dollars per month, to commence on the twenty-third day of October, one thousand eight hundred and six:

Charles Mynn Thruston, at the rate of twenty dollars per month, to commence on the fourteenth day of July, one thousand eight hundred and six:

Jonas Farnsworth, at the rate of ten dollars per month, to commence on the second day of September, one thousand eight hundred and six:

Benoni Hathaway, at the rate of ten dollars per month, to commence on the sixth day of September, one thousand eight hundred and six:

Thomas Marshal Baker, at the rate of ten dollars per month, to commence on the twenty-ninth day of September, one thousand eight hundred and six:

James Dysart, at the rate of ten dollars per month, to commence on the eighteenth day of December, one thousand eight hundred and six:

Henry Ten Eyck, at the rate of ten dollars per month, to commence on the eighth day of January, one thousand eight hundred and seven:

John Little, at the rate of twenty dollars per month, to commence on the thirteenth day of January, one thousand eight hundred and seven:

Thomas Harris, at the rate of fifteen dollars per month, to commence on the third day of October, one thousand eight hundred and six:

Daniel Ball, at the rate of ten dollars per month, to commence on the 17th day of February, one thousand eight hundred and seven:

Sec. 2. *And be it further enacted*, That the pensions of the following persons, already placed on the pension list of the United States, whose claims for an increase of pension have been transmitted to Congress, pursuant to the act aforesaid, be increased to the sums herein respectively annexed to their names, the said increase to commence at the times herein mentioned, that is to say:

Seth Wyman, four dollars per month, to commence on the sixteenth day of June, one thousand eight hundred and six:

George Bradford, five dollars per month, to commence on the fifteenth day of August, one thousand eight hundred and six:

Abel Furney, five dollars per month, to commence on the twenty-ninth day of August, one thousand eight hundred and six:

Charles Scott, five dollars per month, to commence on the first day of September, one thousand eight hundred and six:

Ephraim Baily, five dollars per month, to commence on the fourth day of September, one thousand eight hundred and six:

Asa Ware, five dollars per month, to commence on the ninth day of September, one thousand eight hundred and six:

Daniel Hickey, five dollars per month, to commence on the twenty-fourth day of September, one thousand eight hundred and six:

Daniel Nutting, two dollars per month, to commence on the seventh day of October, one thousand eight hundred and six:

Abel Woods, five dollars per month, to commence on the tenth day of October, one thousand eight hundred and six:

Joseph Morril, five dollars per month, to commence on the twenty-fourth day of October, one thousand eight hundred and six:

William Neley, five dollars per month, to commence on the twenty-fourth day of October, one thousand eight hundred and six:

Elisha Frizle, three dollars and seventy-five cents per month, to commence on the third day of November, one thousand eight hundred and six:

William Burritt, five dollars per month, to commence on the third day of November, one thousand eight hundred and six:

Benjamin Smith, five dollars per month, to commence on the third day of November, one thousand eight hundred and six:

George Pittman, five dollars per month, to commence on the first day of February, one thousand eight hundred and seven:

Gustavus Alrick, three dollars and thirty-three cents and one-third of a cent per month, to commence on the twenty-first day of November, one thousand eight hundred and six:

Jabes Pembleton, two dollars and fifty cents per month, to commence on the twenty-seventh day of December, one thousand eight hundred and six:

Wiat Hinkley, five dollars per month, to commence on the twenty-eighth day of December, one thousand eight hundred and six:

Edward Evans, five dollars per month, to commence on the fifteenth day of January, one thousand eight hundred and seven:

Moses Wing, five dollars per month, to commence on the twenty-fourth day of December, one thousand eight hundred and six:

John Cavenough, three dollars per month, to commence on the seventeenth day of January, one thousand eight hundred and seven:

Richard Hardin, five dollars per month, to commence on the eleventh day of September, one thousand eight hundred and six:

Jonathan Holton, ten dollars per month, to commence on the eighth day of September, one thousand eight hundred and six:

Jonathan Willard, five dollars per month, to commence on the eighth day of September, one thousand eight hundred and six:

Thomas Pearson, thirteen dollars thirty-three cents and one-third of one cent per month, to commence on the twenty-eighth day of July, one thousand eight hundred and six:

John Maynard, six dollars per month, to commence on the twenty-fifth day of July, one thousand eight hundred and six:

Thomas Avery, sixteen dollars sixty-six cents, and two-thirds of one cent per month, to commence on the third day of October, one thousand eight hundred and six:

Ebenezer Coe, twenty dollars per month, to commence on the thirty-first day of July, one thousand eight hundred and six:

Ebenezer Bancroft, six dollars per month, to commence on the thirty-first day of October, one thousand eight hundred and six:

William Worthington, fifteen dollars per month, to commence on the nineteenth day of November, one thousand eight hundred and six:

David Hawley, ten dollars per month, to commence on the eighth day of December, one thousand eight hundred and six:

Sec. 3. *And be it further enacted*, That the pension of Benjamin Bartlett, of Massachusetts, who was employed in the service of the United States as an escort, spy, and guide, at the pay of one dollar per day during hostilities with certain Indian tribes, in the year one thousand seven hundred and ninety-four, and was disabled by being wounded while in said service, be increased to five dollars per month.

Sec. 4. *And be it further enacted*, That the pensioners becoming such by virtue of this act shall be paid in the same manner as invalid pensioners are paid, who have heretofore been placed on the pension list of the United States, under such restrictions and regulations in all respects as are prescribed by the laws of the United States, in such cases provided.

Approved, March 3, 1807.

An Act making provision for the disposal of the public lands, situated between the United States' military tract and the Connecticut reserve, and for other purposes.

Be it enacted, &c., That, for the disposal of the lands of the United States, situated between the United States' military tract and the Connecticut reserve, a land office shall be established, which shall be kept at such place as the President of the United States may direct: and that, for the disposal of the lands of the United States lying on the Ohio river, between the Cincinnati and Vincennes districts, a land office shall be established at Jeffersonville: and for each of the said offices a register and receiver of public moneys shall be appointed, who shall give security in the same manner, in the same sums, and whose compensation, emoluments, duties, and authority, shall, in every respect, be the same, in relation to the lands which shall be disposed of at their offices, as are or may be provided by law, in relation to the registers and receivers of public moneys in the several offices established for the disposal of the lands of the United States, north of the river Ohio, and above the mouth of Kentucky river.

Sec. 2. *And be it further enacted*, That all the lands of the United States, in the said districts, shall, with the exception of the section number sixteen, and with the exception also of thirteen sections, including the lower town of the Delaware tribe of Indians, and their improvements, which said thirteen sections shall be designated by the Secretary of the Treasury, and shall be reserved for the use of the said tribe and their descendants, so long as they continue to reside thereon and cultivate the same, be offered for sale to the highest bidder, under the direction of the register of the land office, and of the receiver of public moneys, at the places, respectively, where the land offices are kept, and on such day or days as shall, by proclamation of the President of the United States, be designated for that purpose: the sales shall remain open at each place for six weeks, and no longer: the lands shall not be sold for less than two dollars an acre, and shall, in every other respect, be sold in tracts of the same size, and on the same terms and conditions as have been, or may be by law provided for lands sold north of the river Ohio, and above the mouth of the Kentucky river. All the lands of the United States, in the said districts, with the exceptions above-mentioned, remaining unsold at the close of the public sales, may be disposed of at private sale, by the register of the respective land offices, in the same manner, under the same regulations, for the same price, and on the same terms and conditions, as are or may be provided by law, for the sale of the lands of the United States north of the river Ohio, and above the mouth of the Kentucky river. And patents shall be obtained for all lands sold in said districts, in the same manner and on the same terms as are provided by law, for other public lands sold in the State of Ohio and the Indiana Territory.

Sec. 3. *And be it further enacted*, That the several superintendents of public sales, directed by this act, shall receive six dollars a day for each day's attendance on the said sales.

Sec. 4. *And be it further enacted*, That the President of the United States, in the recess of Congress, shall have full power to appoint and commission the registers and receivers of public moneys of the land offices established by this act, and their commissions shall continue in force until the end of the session of Congress next ensuing such appointment.

Sec. 5. *And be it further enacted*, That the several lead mines in the Indiana Territory, together with as many sections contiguous to each as shall be deemed necessary by the President of the United States, shall be reserved for the future disposal of the United States; and any grant which may hereafter be made for a tract of land containing a lead mine, which had been discovered previous to the purchase of such tract from the United States, shall be considered fraudulent and null: And the President of the United States shall be, and is hereby, authorized to lease any lead mine, which has been or may hereafter be discovered in the Indiana Territory, for a term not exceeding five years.

SEC. 6. *And be it further enacted*, That George Ash shall have the right of pre-emption to six hundred and forty acres of land, including his improvement on the river Ohio, below the former Indian boundary line; the boundaries of the tract shall be designated by the register of the land office, and the said land shall be granted to him at the same price, and on payment being made in the same manner as for other public land sold at private sale; the respective instalments of the purchase money shall become due at the same time with the payments on the first public lands sold in that district.

Approved, March 3, 1807.

Resolution to publish the report and chart of the survey of the coast of North Carolina.

Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Secretary of the Treasury be, and he hereby is, authorized and directed to cause to be published the report and chart of a survey of the coast of North Carolina, made by Thomas Coles and Jonathan Price, under the act of Congress passed at the last session for that purpose.

Approved, March 2, 1807.

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An Act to establish certain post roads, and for other purposes - - - - - - 1287

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